

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

STEVE ANCTIL, JR.)
)
 v.) 1:16-cv-00107-JAW
)
 COMMISSIONER JOSEPH)
 FITZPATRICK, et al.)

**ORDER VACATING JUDGMENT AND VACATING ORDER AFFIRMING
RECOMMENDED DECISION AND ORDERING PLAINTIFF TO FILE
PROPOSED AMENDED COMPLAINT**

On March 8, 2016, the Magistrate Judge issued his recommended decision after screening Steve Anctil, Jr.'s Complaint and recommended that the Court dismiss the Complaint. *Recommended Decision After Screening Compl. Pursuant to 28 U.S.C. §§ 1915(e), 1915A* (ECF No. 9). Mr. Anctil's objection to the Recommended Decision was due on March 25, 2016. As Mr. Anctil was incarcerated, the Court waited until April 5, 2016 to see if he was going to file an objection, but he did not. Accordingly, on April 5, 2016, the Court affirmed the Recommended Decision without objection and issued judgment in favor of the Defendants. *Order Affirming the Recommended Decision of the Magistrate Judge* (ECF No. 14); *J.* (ECF No. 15).

As these things tend to go, the very next day Mr. Anctil filed a motion to amend his Complaint. *Mot. for Leave to Am. Compl.* (ECF No. 16). He did not, however, file a proposed amended complaint. Apparently, Mr. Anctil had attempted to file the motion with the Court on March 23, 2016, but the Postal Service returned his letter perhaps because he included a defunct post office box as part of the Court's address.

Id. Attach. 1. On April 4, 2015, Mr. Anctil again mailed the motion to the Court, this time using the correct address and this time with success. *Id.* Attach. 2. The Court received his motion on April 6, 2016. *Id.*

In view of the fact that but for his use of an old address, the Court would have received his motion to amend on a timely basis, the Court VACATES its Judgment dated April 15, 2016 (ECF No. 15) and its Order Affirming the Recommended Decision (ECF No. 14). The Court ORDERS the case reinstated on the Court's docket.

With this done, however, the Court notifies Mr. Anctil that his current motion for leave to amend the complaint is subject to dismissal because he has failed to attach to the motion a copy of the proposed amended complaint. In order to avoid dismissal of the motion and the case, the Court ORDERS Steve Anctil, Jr. to file a proposed amended complaint within fourteen days of the date of this ORDER.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 7th day of April, 2016