

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

WADE BRAYMAN,)	
)	
Plaintiff,)	
)	
v.)	No. 1:20-cv-00169-JAW
)	
CAPTAIN SEAN MAGUIRE,)	
)	
Defendant.)	

**ORDER AFFIRMING THE RECOMMENDED DECISION OF THE
MAGISTRATE JUDGE**

On January 4, 2022, Sean Maguire filed a motion to dismiss Wade Brayman's Complaint in this case for lack of prosecution. *Def. Maguire's Mot. to Dismiss* (ECF No. 44). On January 13, 2022, Mr. Brayman filed his objection to the motion to dismiss. *Pl.'s Mot. to Expose Dishonest Filings Presented to You, by Att'y Peter T. Marchesi* (ECF No. 45). On February 1, 2022, Captain Maguire filed a reply. *Def. Maguire's Resp. to Pl.'s Obj. to the Mot. to Dismiss* (ECF No. 48). On March 11, 2022, the Magistrate Judge issued a recommended decision in which he recommended that the Court deny Captain Maguire's motion to dismiss. *Recommended Decision on Mot. to Dismiss* (ECF No. 52). On March 23, 2022, Captain Maguire objected to the recommended decision. *Def. Maguire's Obj. to Magistrate's Recommended Decision on Def.'s Mot. to Dismiss* (ECF No. 53).

Strangely, even though the recommended decision was in his favor, Mr. Brayman on April 20, 2022, filed an interlocutory appeal of the recommended decision pursuant to 28 U.S.C. § 1292(b). *Notice of Interlocutory Appeal* (ECF No. 55). On

June 3, 2022, the Court of Appeals for the First Circuit dismissed Mr. Brayman's interlocutory appeal, "apparently from the magistrate judge's March 11, 2022 recommended decision," for lack of jurisdiction. *J.* (ECF No. 59). The First Circuit issued its mandate on June 27, 2022, returning jurisdiction to this Court. *Mandate* (ECF No. 60).

The Court has reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record, and made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision. The Court concurs with the recommendations of the Magistrate Judge for the reasons set forth in his Recommended Decision and determines no further proceeding is necessary.

The Court AFFIRMS the Recommended Decision of the Magistrate Judge (ECF No. 52). The Court DENIES Captain Sean Maguire's Motion to Dismiss for Want of Prosecution (ECF No. 44) and EXTENDS the discovery deadline by ninety days to permit Defendant Maguire to complete the discovery he initiated during the discovery period. In addition, because it is unclear whether Mr. Brayman received Defendant Maguire's written discovery requests, if Defendant Maguire seeks responses to those requests, Defendant shall serve the requests upon Mr. Brayman by mailing the requests to him at the address identified by Mr. Brayman on the court docket within seven days of the date of this order. The Court warns Mr. Brayman that if he does not respond to the written discovery within ninety days, the Court may impose sanctions against him, including dismissal of his case.

SO ORDERED.

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

Dated this 28th day of June, 2022