

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

JULIE F. PORTER,)	
)	
Plaintiff,¹)	
)	
v.)	1:22-cv-00398-JDL
)	
MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES, et al.,)	
)	
)	
Defendants.)	

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

Plaintiff Julie F. Porter, proceeding pro se, filed a Complaint (ECF No. 1) against Defendants Maine Department of Health and Human Services (“DHHS”), DHHS Commissioner Jeanne Lambrew, and DHHS employee Megan Sperry alleging violations of her constitutional rights and discrimination based on her gender, age, and marital status. Defendants moved to dismiss the Complaint for lack of subject matter jurisdiction and failure to state a claim that they allege is precluded by the doctrines of res judicata and sovereign immunity even if adequately pled (ECF No. 12). Porter’s Response (ECF No. 15) did not address Defendants’ arguments but instead restated her constitutional claims while also alleging facts and raising legal theories not included in the Complaint.

¹ Porter attempts to, but cannot, bring this action on behalf of her minor child. See *Ethan H. v. New Hampshire*, No. 92-1098, 1992 WL 167299, at *1 (1st Cir. July 21, 1992) (holding that a parent proceeding pro se cannot represent his or her child in district court proceedings).

On July 24, 2023, United States Magistrate Judge Karen Frink Wolf filed her Recommended Decision (ECF No. 21) on the instant motion, pursuant to 28 U.S.C.A. § 636(b)(1)(B) (West 2023) and Fed. R. Civ. P. 72(b). Porter objected to the Recommended Decision on August 8, 2023 (ECF No. 22), by reiterating her claims but without specifying proposed findings or recommendations for which she sought de novo review. *See* 28 U.S.C.A. § 636(b)(1) (directing district court judges to review de novo “those portions of the report or specified proposed findings or recommendations to which objection is made”).

Notwithstanding the lack of specificity in Porter’s objection, I have reviewed the Recommended Decision, together with the entire record, de novo and have considered all matters adjudicated therein. I concur with the recommendations and reasoning set forth in the Magistrate Judge’s Recommended Decision and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Magistrate Judge’s Recommended Decision (ECF No. 21) is hereby **ACCEPTED** and that Porter’s Complaint (ECF No. 1) is **DISMISSED**.

SO ORDERED.

Dated this 27th day of September, 2023.

/s/ Jon D. Levy
CHIEF U.S. DISTRICT JUDGE