

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

DAJUAN ANTONIO WILLIAMS,)	
)	
PLAINTIFF)	
)	
v.)	CIVIL No. 2:19-cv-224-DBH
)	
CUMBERLAND COUNTY JAIL, ET AL.,)	
)	
DEFENDANTS)	

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

On August 22, 2019, the United States Magistrate Judge filed with the court, with a copy to the plaintiff, his Recommended Decision After Review of Plaintiff's Complaint Pursuant to 28 U.S.C. §§ 1915(e), 1915A. The decision recommended that the plaintiff's complaint be dismissed as to three of the eight individual defendants the plaintiff named, because "Plaintiff has asserted no facts regarding the conduct of Defendants Kortes, Haskell and Butts. Plaintiff, therefore, has not asserted an actionable claim against Defendants Kortes, Haskell and Butts." Recommended Decision p. 5 (ECF No. 20). The Magistrate Judge left in place the plaintiff's claims of racial discrimination and retaliation against the institutional defendant and five other individual defendants.

The plaintiff filed an objection to the recommended dismissal on September 3, 2019, in which he stated¹:

SR Haskell was aware the Plaintiff reached out and informed him of the racist comment made and SR Haskell also failed to give the plaintiff a grievance form after it was requested by the Plaintiff. The Plaintiff also reached out to Captain Butts and Captain Butts allowed his staff to falsify investigation reports in the witness Yosef Devine was the Plaintiff's

¹ I have deciphered his handwriting as best I can.

roommate at the time of the incident. This all happened under Captain Butts and Major Courts [Kortes?] authority they are responsible for the administrations grievance process and the Plaintiff was reaching out to the administration and was ignored for 4 days.

Pl.'s Objection (ECF No. 24).

After *de novo* review of the Recommended Decision, I **OVERRULE** the plaintiff's objection and **AFFIRM** the Recommended Decision to dismiss the defendants Kortes, Haskell and Butts. The plaintiff has not moved to amend his complaint, an action that would be necessary to avoid dismissal. Furthermore, even if I consider the allegations in his objection as somehow amending the complaint, the new allegations do not amount to a plausible allegation that these three defendants personally engaged in the racist or retaliatory conduct of which the plaintiff otherwise complains in his complaint. Parker v. Landry, 935 F.3d 9, 13-14 (1st Cir. 2019) (reciting pleading standards required by Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007) and Ashcroft v. Iqbal, 556 U.S. 662, 679 (2009)).

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The defendants Kortes, Haskell and Butts are **DISMISSED** as defendants in this action.

SO ORDERED.

DATED THIS 1ST DAY OF OCTOBER, 2019

/s/D. BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE