

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

DOMINGUS NOBREGA et al.,)	
)	
Plaintiffs,)	
)	
v.)	2:20-cv-00373-JDL
)	
YORK COUNTY et al.,)	
)	
Defendants.)	

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

Domingus Nobrega and a number of other prisoners¹ at the York County Jail (collectively, “Nobrega”) filed this action in Maine state court arising out of jail officials’ alleged failures to implement and enforce safe COVID-19 protocols (ECF No. 3-1). On October 14, 2020, the Defendants removed the case to this Court on federal question grounds (ECF No. 1). Nobrega subsequently filed two documents: (1) an objection to the notice of removal, in which Nobrega argued that the complaint did not raise any federal claims (ECF No. 9), and (2) a motion to dismiss any federal claims that were in the complaint (ECF No. 10).

On November 30, 2020, United States Magistrate Judge John C. Nivison submitted a Recommended Decision on the matter (ECF No. 11), pursuant to 28 U.S.C.A. § 636(b)(1)(B) (West 2020) and Fed. R. Civ. P. 72(b). The Magistrate Judge recommended that the Court overrule Nobrega’s objection, construe his motion to dismiss as a motion to amend the complaint, grant that motion to amend, and remand

¹ The full list of Plaintiffs is included in the state court record and is docketed at ECF No. 3-32.

the matter to state court.² The time within which to file objections has expired, and no objections have been filed. The Magistrate Judge notified the parties that failure to object would waive their right to *de novo* review and appeal.

I have reviewed and considered the Recommended Decision, together with the entire record, and have made a *de novo* determination of all matters adjudicated by the Magistrate Judge. I concur with the recommendations of the Magistrate Judge for the reasons set forth in his Recommended Decision and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision (ECF No. 11) of the Magistrate Judge is hereby **ACCEPTED**. Nobrega's motion for leave to amend the complaint (ECF No. 10) is **GRANTED** and the operative pleading is the amended complaint (ECF No. 12). Accordingly, it is **ORDERED** that the matter be **REMANDED** to the state court.

In light of this disposition, Nobrega's objection to the notice of removal (ECF No. 9) is **DENIED AS MOOT**.

SO ORDERED.

Dated this 4th day of January, 2021

/s/ JON D. LEVY
CHIEF U.S. DISTRICT JUDGE

² Nine days after the Magistrate Judge issued his Recommended Decision, Nobrega filed an amended complaint that contains only state law claims (ECF No. 12). Although the amended complaint was filed before this Court accepted the Recommended Decision, it was properly docketed as an amended complaint, rather than a proposed amended complaint; therefore, it does not need to be refiled.