

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

AHMED SADEK,)	
)	
Plaintiff,)	
)	
v.)	2:21-cv-00374-JAW
)	
OFFICER UNDERWOOD, et als.,)	
)	
Defendants.)	

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

On December 28, 2021, Ahmed Sadek, formerly an inmate at the Cumberland County Jail in Portland, Maine, filed a complaint in this Court, alleging that from August 2019 through November 2019, while he was a Cumberland County inmate, a Corrections Officer with the last name Underwood engaged in a campaign of harassment against him due to his national origin and religious faith. *Compl.*, Attach. 1 (ECF No. 1) (*Compl.*). Mr. Sadek further alleged that when he was transferred out of Officer Underwood's unit, another corrections officer with the last name West continued the harassment. *Id.*

In his Complaint and subsequent filings, Mr. Sadek described three instances of harassment. *Id.*; *Pl.'s Obj. to Recommended Decision*, Attach. 1 (ECF No. 14) (*Pl.'s Obj.*). To his objection, he attached a drawing which has at the top of the page the word, GO, in the middle a hand with a middle finger raised and an angry face in the middle of the hand, and below the hand, the

word YOURSELF. *Pl.'s Obj.*, Attach. 2. Next, again to his objection, he attached a drawing which has the words DROPPING BOMBS and BOOM over a toilet with a bomb and a lit fuse. *Id.*, Attach. 3. Third, he said that Officer Underwood called him names, including Timex, suicide bomber, and that he repeatedly misnamed Mr. Sadek's daughter by calling her Isis, not her actual name. *Compl.* at 1.

After Mr. Sadek filed his Complaint, the United States Magistrate Judge filed with the Court on March 8, 2022, his Recommended Decision in which he recommended that the Court dismiss Mr. Sadek's Complaint. *Recommended Decision After Review of Compl.* (ECF No. 11) (*Recommended Decision*). The Plaintiff filed his objections to the Recommended Decision on May 2, 2022, essentially reiterating and further describing the allegations in his Complaint. *Pl.'s Obj.*

The Court 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 determine that no further proceeding is necessary.

To this conclusion, the Court adds one point. As the Magistrate Judge carefully explained, the law compels the dismissal of Mr. Sadek's Complaint because the instances of harassment Mr. Sadek describes simply do not rise to

the level of a constitutional violation. However, as the Magistrate Judge wrote, this does not mean that the law condones harassment of inmates by corrections officers based on an inmate's race, ethnicity, or religion. To the contrary, assuming the harassment occurred as Mr. Sadek described it, the Court agrees with the Magistrate Judge's characterization of the alleged harassment as "reprehensible and offensive." *Recommended Decision* at 3. This decision means only that the harassment is not actionable as a constitutional violation in a federal court of law, not that it is right.

1. It is therefore ORDERED that the Recommended Decision of the Magistrate Judge be and hereby is AFFIRMED.
2. It is further ORDERED that the Plaintiff's Complaint (ECF No. 1) be and hereby is DISMISSED.

SO ORDERED.

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

Dated this 14th day of November, 2022