

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

KINLEY MACDONALD,)	
)	
Plaintiff,)	
)	
v.)	2:22-cv-00293-JAW
)	
JUDGE MICHAEL DUDDY, et al.,)	
)	
Defendants.)	

ORDER AFFIRMING RECOMMENDED DECISION

On September 21, 2022, Kinley MacDonald, an inmate at the York County Jail in the State of Maine, filed a lawsuit against Maine District Court Deputy Chief Judge Lea-Anne Sutton, Maine District Court Judge Michael Duddy, York County Superior Court Justice Richard Mulhern, and Judges John Doe 1 and 2; Maine Department of Health and Human Services (DHHS) Commissioner Jeanne Lambrew and four DHHS “worker[s]”; and Maine Attorney General Aaron Frey and three Assistant Attorneys General. *Compl.* (ECF No. 1). Ms. MacDonald sought redress from various alleged injustices she says occurred or are still occurring in state court child-protective proceedings. *Id.* ¶¶ 122-26.

On August 30, 2023, the Magistrate Judge, after reviewing the allegations in Ms. MacDonald’s complaint pursuant to 28 U.S.C. § 1915A,¹ issued a recommended

¹ 28 U.S.C. § 1915A directs courts to “review, before docketing, if feasible or . . . as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or office or employee of a governmental entity.” 28 U.S.C. § 1915A(a). The statute mandates dismissal of such a complaint if it is “frivolous, malicious, or fails to state a claim upon which relief may be granted” or “seeks monetary relief from a defendant who is immune from such relief.” *Id.* § 1915A(b).

decision, recommending that the Court dismiss Ms. MacDonald's complaint. *Recommended Decision to Dismiss Pl.'s Compl.* (ECF No. 50). Ms. MacDonald did not object to the recommended decision.

Although the Court was not legally required to abstain from ruling on the Magistrate Judge's recommended decision pending resolution of a petition for writ of certiorari, *United States ex rel. Escobar v. Universal Health Servs., Inc.*, 842 F.3d 103, 106 n.1 (1st Cir. 2016), the Court, in the exercise of its discretion, decided to await the U.S. Supreme Court's resolution of Ms. MacDonald's petitions for writs of certiorari before acting on the recommended decision. *See In Re Kinley MacDonald v. Michael Duddy, et al. Petition for Writ of Certiorari*, No. 23-5216 (June 27, 2023); *Kinley MacDonald v. Lea-Anne Sutton, Judge, District Court of Maine, et al. Petition for Writ of Certiorari*, No. 23-5184 (Dec. 21, 2022). On October 2, 2023, the Supreme Court issued an order denying Ms. MacDonald's certiorari petitions. *See Order List: Monday, October 2, 2023* at 34, 40. In light of the Supreme Court's denial of the certiorari petitions, the Court has now reviewed the Magistrate Judge's recommended decision.

The Court reviewed and considered the Magistrate Judge's recommended decision, together with the entire record, including Ms. MacDonald's motion to amend complaint (ECF No. 45);² the Court made a *de novo* determination of all matters

² The Court reviewed the Magistrate Judge's recommended decision on Ms. MacDonald's motion to amend complaint under both the dispositive and non-dispositive standards of Federal Rule of Civil Procedure 72(a)-(b) and 28 U.S.C. § 636. *See Sargent v. Nordx*, No. 2:20-cv-00467-JAW, 2022 U.S. Dist. LEXIS 226506, at *10-11 (D. Me. Dec. 16, 2022). Applying either a "clearly erroneous or . . . contrary to law" or a "de novo" standard, the result is the same.

adjudicated by the Magistrate Judge's recommended decision; and the Court concurs with the recommendations of the United States Magistrate Judge for the reasons set forth in his recommended decision, denies Ms. MacDonald's motion to amend and dismisses Ms. MacDonald's complaint.

1. The Court therefore DENIES Kinley MacDonald's Motion to Amend Complaint (ECF No. 45).
2. The Court further ORDERS that the Recommended Decision of the Magistrate Judge (ECF No. 50) be and hereby is AFFIRMED.
3. The Court further ORDERS that Kinley MacDonald'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 16th day of October, 2023