

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

KATHLEEN JOYCE,	)	
	)	
Plaintiff,	)	
	)	2:23-cv-00030-JAW
v.	)	
	)	
LOUIS DeJOY,	)	
United States Postmaster General,	)	
	)	
Defendants.	)	

**ORDER REMANDING RECOMMENDED DECISION**

On January 13, 2023, Kathleen Joyce filed her complaint against Louis DeJoy, United States Postmaster General, alleging that he violated her Family and Medical Leave Act (FMLA) rights, harassed her, subjected her to a hostile work environment, discriminated against her on the basis of her age and sex, and retaliated against her by terminating her employment in August 2020. *Complaint* at 3, 9 (ECF No. 1). On March 13, 2023, the United States Magistrate Judge filed her recommended decision with the Court and recommended that “the Court dismiss the Complaint unless [Ms.] Joyce amends it to address the deficiencies identified herein (including dropping any claims that she cannot remedy) within the fourteen-day objection period.” *Recommended Decision After Preliminary Review* at 1 (ECF No. 6) (*Recommended*

*Decision*). On March 29, 2023, Ms. Joyce filed her objection to the recommended decision. *Objection to Report and Recommended Decision* (ECF NO. 7).<sup>1</sup>

Because Ms. Joyce’s objection to the recommended decision may (or may not) have cured the deficiencies identified by the Magistrate Judge in her recommended decision, it seems only fair to allow the Magistrate Judge to review Ms. Joyce’s attempt to cure the identified deficiencies. Accordingly, the Court REMANDS the case to the Magistrate Judge to make a recommendation on whether Ms. Joyce’s complaint remains deficient in light of her objection.

SO ORDERED.

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

Dated this 7th day of April, 2023

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<sup>1</sup> Although the two-week period for Ms. Joyce to file her objection to the recommended decision ended on March 27, 2023, the Court nonetheless accept Ms. Joyce’s March 29, 2023 filing. “Congress plainly contemplated that the courts would be permitted, where appropriate, to accept late filings caused by inadvertence, mistake, or carelessness” including “situations in which the failure to comply with a filing deadline is attributable to negligence.” *Pratt v. Philbrook*, 109 F.3d 18, 19 (1st Cir. 1997) (quoting *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. Partnership*, 507 U.S. 380, 388 & 394 (1993)).