

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

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|------------------------------|---|--------------------------|
| BRENT ELISENS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | 1:22-cv-00387-JDL |
| |) | |
| MAINE STATE FORENSICS |) | |
| DHHS, et al., |) | |
| |) | |
| Defendants. |) | |

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

Plaintiff Brent Elisens, proceeding pro se, initiated this action against Maine State Forensics (Department of Health and Human Services), two Maine State Forensics employees, and his former state court-appointed attorney on December 7, 2022 (ECF No. 1). On December 9, 2022, Elisens filed an Amended Complaint (ECF No. 5). Elisens alleged that the Defendants violated his constitutional rights and defamed him in connection with an ongoing state court criminal proceeding. United States Magistrate Judge John C. Nivison screened the Amended Complaint pursuant to 28 U.S.C.A. § 1915(e)(2) (West 2022) and issued a Recommended Decision (ECF No. 7). The Court accepted the Recommended Decision and dismissed Elisens’s Amended Complaint on March 1, 2023 (ECF No. 10).

Elisens subsequently filed an unsigned “Motion to Remove Licensed/Badged/Robed Tyrants and Prevent them from Obtaining Positions of Authority Elsewhere” (ECF No. 12) on March 27, 2023. Judge Nivison filed a Recommended Decision (ECF No. 13) on April 11, 2023, pursuant to 28 U.S.C.A.

§ 636(b)(1)(B) (West 2022) and Fed. R. Civ. P. 72(b). Judge Nivison construed the motion as a request from relief from judgment pursuant to Rule 60 of the Federal Rules of Civil Procedure and recommends that the Court deny the motion because Elisens has not asserted facts that demonstrate that he is entitled to relief under Rule 60.¹ Judge Nivison provided notice that a party's failure to object would waive the right to *de novo* review and appeal. Elisens filed an Objection (ECF No. 14) on April 27, 2023.

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

It is **ORDERED** that the Recommended Decision (ECF No. 13) of the Magistrate Judge is hereby **ACCEPTED** and Elisens's motion (ECF No. 12) is **DENIED**.

SO ORDERED.

Dated this 22nd day of May 2023.

/s/ Jon D. Levy
CHIEF U.S. DISTRICT JUDGE

¹ To the extent that Elisens's motion might be construed as also seeking the recusal of Judges Levy and Nivison from this case, Judge Nivison concluded that Elisens failed to present any factual or legal basis to warrant his recusal in this matter. I similarly conclude that there is no basis for my recusal.