

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

PASCASIE HAVUGIMANA)	
LAMBO,)	
)	
Plaintiff,)	
)	
v.)	2:16-cv-00397-JDL
)	
STATE OF MAINE, et al.)	
)	
Defendants.)	

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

United States Magistrate Judge John H. Rich III filed his Recommended Decision (ECF No. 30) with the court on December 30, 2016, pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b). Plaintiff Pascasie Lambo filed an Objection to the Recommended Decision (ECF No. 31) on January 12, 2017. Defendants Martin's Point Health Care and Matthew Belcher, M.D. filed a Response to the plaintiff's Objection (ECF No. 32) on January 26, 2017. Defendant State of Maine did not file a Response.

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

I will offer a brief further explanation of the outcome in this case. As the Magistrate Judge correctly noted, this Court does not have the power to entertain Ms. Lambo's claims against the State of Maine or the Governor's Office. *See* ECF No. 30 at 6. Claims alleging that a state official violated a plaintiff's rights, which are properly brought under 42 U.S.C. § 1983, may only be alleged against named, individual state officials, not against the state itself or a state agency. *See Will v. Mich. Dept. of State Police*, 491 U.S. 58, 66 (1989). The Supreme Court has expressly held that states and state agencies are not proper defendants in a suit of this kind, and this Court is bound by that determination. I acknowledge that Ms. Lambo offered in her briefing to identify individual defendants by name at oral argument, ECF No. 31 at 1, but in ruling on a motion to dismiss, this Court is limited to reviewing the plaintiff's complaint, and may not consider information contained in the plaintiff's briefing or offered to be revealed at oral argument, *see Young v. Lepone*, 305 F.3d 1, 10-11 (1st Cir. 2002). Because Ms. Lambo's Complaint does not name any individual state officials as defendants, it must be dismissed.

It is therefore **ORDERED** that the Recommended Decision (ECF No. 30) of the Magistrate Judge is hereby **ACCEPTED**. Defendants' motions to dismiss (ECF Nos. 13 and 18) are **GRANTED**.

SO ORDERED.

Dated this 10th day of February 2017

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