

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

HERBERT REX HASENBANK JR., )

Plaintiff )

v. )

No. 2:23-cv-00029-LEW

MAINE GENERAL )

HOSPITAL et al., )

Defendants )

AMENDED RECOMMENDED DECISION AFTER PRELIMINARY REVIEW

I previously recommended that Herbert Rex Hasenbank Jr.’s medical malpractice claims against Maine General Hospital and Two Bridges Regional Jail be dismissed after preliminary review unless he amended his complaint to address the deficiencies I identified—namely, that he did not allege sufficient facts to establish diversity jurisdiction and that even if he intended to assert a federal constitutional claim his complaint was simply too vague to do so. *See* ECF No. 10. After the deadline<sup>1</sup> for amendment or objection passed, this Court received correspondence and an objection from Hasenbank that he mistakenly sent to state court. *See* ECF Nos. 16-17. In his objection, Hasenbank provides some additional allegations in an apparent attempt to bolster his complaint. *See* ECF No. 17.

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<sup>1</sup> The deadline for amending and/or objecting was originally April 4, 2023, *see* ECF No. 10, but I extended it *sua sponte* to April 11, 2023, after receiving correspondence from Hasenbank that his address had changed, *see* ECF Nos. 11-13. This Court received the instant correspondence and objection from Hasenbank on April 24, 2023, after it was forwarded by the state court. *See* ECF Nos. 16-17.

Given Hasenbank's incarceration and related mailing difficulties, *see* ECF No. 16, I recommend that the Court consider his objection despite its untimeliness. Nevertheless, because the additional allegations that Hasenbank makes in his objection still do not establish diversity jurisdiction or flesh out a plausible federal claim, *see* ECF No. 17, I recommend that the Court ***DISMISS*** Hasenbank's complaint for the same reasons I outlined in my original recommended decision, *see* ECF No. 10.

Finally, Hasenbank is instructed to send any future filings he may wish to make in this matter to the following address:

United States District Court  
156 Federal Street  
Portland, ME 04101

**NOTICE**

***In accordance with Federal Rule of Civil Procedure 72(a), a party may serve and file an objection to this order within fourteen (14) days after being served with a copy thereof.***

***Failure to file a timely objection shall constitute a waiver of the right to review by the District Court and to any further appeal of this order.***

Dated: April 27, 2023

/s/ Karen Frink Wolf  
United States Magistrate Judge