

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

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|---------------------------|---|-----------------------------|
| BRITTANY R. WALES, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Docket No. 2:24-cv-00338-NT |
| |) | |
| KERRY H. MERRINVIL, a/k/a |) | |
| KEYI LE LATE MEYINVI EL, |) | |
| |) | |
| Defendant. |) | |

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

On October 3, 2024, the United States Magistrate Judge filed with the Court, with copies to the parties, her Recommended Decision (ECF No. 3) on the Defendant’s notice of removal of a state court matter (ECF No. 2). The Defendant filed an objection to the Recommended Decision on October 15, 2024 (ECF No. 7). I have reviewed and considered the Recommended Decision, together with the entire record.¹ I have made a *de novo* determination of all matters adjudicated by the Magistrate Judge’s Recommended Decision, and I concur with the recommendations of the Magistrate Judge for the reasons set forth in the Recommended Decision and determine that no further proceeding is necessary.

¹ I have also reviewed 28 U.S.C. § 455 to determine whether I should disqualify myself in this proceeding because the Defendant has named me as a party, alleging that I deprived him of his constitutional rights in ruling on his previous federal lawsuit. *See* Mot. for Removal at 3–4, 6–7 (ECF No. 2). Like the Magistrate Judge, I find that the Defendant’s allegations against me are “patently meritless and seem obviously intended to obtain my disqualification,” Recommended Decision at 2 (ECF No. 3), and I conclude that my recusal is not warranted. *See, e.g., Liteky v. United States*, 510 U.S. 540, 555 (1994) (“[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion. . . . Almost invariably, they are proper grounds for appeal, not for recusal.”).

It is therefore **ORDERED** that the Defendant's objection is **OVERRULED** and the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The Defendant's improper notice of removal is **DISMISSED**, and the matter shall be **REMANDED** to state court.

Further, given that this is Merrinvil's second attempt to involve this Court in family law proceedings occurring in state court, I hereby place the Defendant on **NOTICE** that filing restrictions "may be in the offing." *Cok v. Fam. Ct. of R.I.*, 985 F.2d 32, 35 (1st Cir. 1993). This represents the "cautionary order" of which *Cok* speaks. *Id.* Future groundless filings by Merrinvil might result in the issuance of filing restrictions against him limiting his ability to file new matters in this Court.

SO ORDERED.

/s/ Nancy Torresen
United States District Judge

Dated this 23rd day of October, 2024.