

ANDREW P. FLOOD

v.

DISCOVERY HOUSE et al.

Submitted on Briefs January 31, 2013
Decided February 19, 2013

Panel: ALEXANDER, LEVY, SILVER, MEAD, GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Andrew P. Flood appeals from a judgment of the Superior Court (Washington County, *R. Murray, J.*) dismissing, without prejudice, his complaint against Discovery House, a psychologist practicing at the Discovery House facility, and other unnamed individuals. Because Flood's complaint and amended complaint allege causes of action that require prelitigation screening pursuant to the Maine Health Security Act, 24 M.R.S. §§ 2501-2987 (2012), the court did not err in dismissing Flood's complaint for failure to comply with 24 M.R.S. § 2853. *See Hill v. Kwan*, 2009 ME 4, ¶¶ 7-8, 962 A.2d 963; *Brand v. Seider*, 1997 ME 176, ¶¶ 4-6, 697 A.2d 846. Additionally, although Flood claims the court erred in failing to grant him court appointed counsel, there is no right to appointed counsel in tort cases. *See Dep't of Human Servs. v. Tarvers*, 561 A.2d 1029, 1030 (Me. 1989) ("The right of an indigent litigant to court appointed counsel is established only when, if [the litigant] loses, he may be deprived of his physical liberty." (quotation marks omitted)).

The entry is:

Judgment affirmed.

On the briefs:

Andrew Flood, appellant pro se

No other party filed a brief.

Washington County Superior Court docket number CV-2011-35
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