

RANDALL B. HOFLAND

v.

SCOTT STORY et al.

Submitted on Briefs July 17, 2013

Decided July 23, 2013

Panel: SAUFLEY, C.J., and LEVY, SILVER, MEAD, GORMAN, and  
JABAR, JJ.

#### MEMORANDUM OF DECISION

Randall B. Hofland appeals from a judgment of the Superior Court (Waldo County, *Hunter, J.*) granting a motion to dismiss his case for failure to state a claim upon which relief could be granted. Hofland failed to state a claim for a Racketeer Influenced and Corrupt Organization (RICO) violation because he did not allege conduct that would result in racketeering activity pursuant to 18 U.S.C.S. § 1961(1) (2012). *Bessette v. Avco Fin. Servs., Inc.*, 230 F.3d 439, 448 (1st Cir. 2000) (providing what a complaint must allege to survive a motion to dismiss against a RICO claim). Hofland also failed to state a claim that he was denied access to the courts because he did not allege an actual injury. *Lewis v. Casey*, 518 U.S. 343, 353 (1996) (requiring a demonstration that an alleged shortcoming hindered a “nonfrivolous legal claim”). Finally, Hofland’s transfers among jails were permitted by statute and did not violate his due process rights. 34-A M.R.S. § 1405(1) (2012).

The entry is:

Judgment affirmed.

**On the briefs:**

Randall B. Hofland, pro se appellant

Peter T. Marchesi, Esq., and Cassandra S. Shaffer, Esq., Wheeler & Arey,  
P.A., Waterville, for appellees Scott Story, et al.

Waldo County Superior Court docket number CV-2010-49  
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