

JEFFREY A. CURRAN

v.

CITY OF PORTLAND et al.

Submitted on Briefs July 21, 2020
Decided July 28, 2020

Panel: MEAD, JABAR, HUMPHREY, and HORTON, JJ.

MEMORANDUM OF DECISION

Jeffrey A. Curran appeals from a judgment of the District Court (Portland, *Kelly, J.*) granting (1) Christine Grimando's motion to dismiss his complaint alleging official oppression in violation of 17-A M.R.S. § 608 (2020) and (2) the City of Portland's motion to dismiss his amended complaint asserting claims pursuant to M.R. Civ. P. 80B. The court did not err in dismissing Curran's official oppression claim. *See* 17-A M.R.S. § 608; *Wawenock, LLC. v. Dep't of Transp.*, 2018 ME 83, ¶¶ 6-12, 187 A.3d 609. Furthermore, the court lacked subject matter jurisdiction over Curran's claims brought pursuant to M.R. Civ. P. 80B because Curran's claims were time-barred, *see* M.R. Civ. P. 80B(b); *Paul v. Town of Liberty*, 2016 ME 173, ¶ 18, 151 A.3d 924, because the actions of which Curran sought review were not final decisions that are subject to judicial review pursuant to Rule 80B, *see* *Bryant v. Town of Camden*, 2016 ME 27, ¶¶ 9-12, 132 A.3d 1183, and because only the Superior Court has jurisdiction to adjudicate a Rule 80B complaint, *see* M.R. Civ. P. 80B; 4 M.R.S. § 105(3)(A) (2020). The City was entitled to a dismissal with prejudice because Curran's Rule 80B complaint contains two incurable jurisdictional defects. *See* *United States v. Bahler Medical, Inc.*, 619 F.3d 104, 115 (1st Cir. 2010).

The entry is:

Judgment affirmed.

Jeffrey A. Curran, appellant pro se

Anne M. Torregrossa, Esq., City of Portland, Portland, for appellees City of Portland et al.

Portland District Court docket number CV-2019-179
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