

GEORGE A. FERNALD

v.

DEPARTMENT OF CORRECTIONS

Submitted on Briefs October 21, 2020
Decided October 29, 2020

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

MEMORANDUM OF DECISION

George A. Fernald appeals from a judgment of the Superior Court (Kennebec County, *Murphy, J.*) granting the Department of Corrections' (Department) motion to dismiss. We review Fernald's appeal, brought pursuant to M. R. Civ. P. 80C, of the Department's dismissal of his prisoner grievance de novo. *See Hawley v. Murphy*, 1999 ME 127, ¶ 5, 736 A.2d 268. Contrary to Fernald's contention, we discern no error of fact or law in the court's application of the thirty-day appeal period in 5 M.R.S. § 11002(3) (2020) to conclude that Fernald's appeal was untimely. *See* 5 M.R.S. § 8002(4) (2020). We therefore also do not disturb the court's determination that Fernald's argument regarding the modification of the record was thereby moot. *See Clark v. Hancock Cty. Comm'rs*, 2014 ME 33, ¶ 11, 87 A.3d 712.

The entry is:

Judgment affirmed.

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George A. Fernald, appellant pro se

Aaron M. Frey, Attorney General, and Paul Switter, Asst. Atty. Gen., Office of the Attorney General, Augusta, for appellee Department of Corrections

Kennebec County Superior Court docket number AP-2019-25
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