

M.J.

v.

PORTLAND POLICE DEPARTMENT

Submitted on Briefs September 27, 2023  
Decided October 17, 2023

Panel: STANFILL, C.J., and MEAD, JABAR, CONNORS, LAWRENCE, and DOUGLAS, JJ.

## MEMORANDUM OF DECISION

M.J. appeals from a judgment of the Superior Court (Cumberland County, *O'Neil, J.*) dismissing M.J.'s complaint filed against the Portland Police Department due to M.J.'s failure to file proof of service of the summons and complaint with the court. *See* M.R. Civ. P. 3. Contrary to M.J.'s contentions, the court did not clearly err or abuse its discretion in dismissing M.J.'s case. *See Fleming v. Dep't of Corr.*, 2014 ME 127, ¶¶ 7-10, 104 A.3d 137; *Maguire Constr., Inc. v. Forster*, 2006 ME 112, ¶¶ 8-10, 905 A.2d 813; *Uotinen v. Hall*, 636 A.2d 991, 992 (Me. 1994).<sup>1</sup>

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<sup>1</sup> We thus reject M.J.'s remaining argument that the Portland Police Department defaulted and is liable for the damages M.J. demanded. *See* M.R. Civ. P. 12(a); *Uotinen v. Hall*, 636 A.2d 991, 992-93 (Me. 1994); *cf. Ireland v. Carpenter*, 2005 ME 98, ¶¶ 8, 10-12, 15, 879 A.2d 35.

The entry is:

Judgment affirmed.

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M.J., appellant pro se

The Portland Police Department did not file a brief

Cumberland County Superior Court docket number CV-2022-236  
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