

MARK S. HIDER

v.

CITY OF PORTLAND et al.

Submitted on Briefs September 14, 2006
Decided September 20, 2006

Panel: CLIFFORD, DANA, ALEXANDER, CALKINS, LEVY, and SILVER, JJ.

MEMORANDUM OF DECISION

Mark S. Hider appeals from a judgment of the Superior Court (Cumberland County, *Cole, J.*), granting the defendants' motion to dismiss. Contrary to Hider's contentions, his complaint fails to set forth allegations necessary for a cause of action under 42 U.S.C.S. § 1983 and is barred by the statute of limitations. *See Rodriguez-Garcia v. Municipality of Caguas*, 354 F.3d 91, 96 (1st Cir. 2004); 14 M.R.S. § 752 (2005). Hider's claims of perjury, conspiracy to commit perjury, destruction of evidence, malicious prosecution, and intentional infliction of emotional distress are barred by the statute of limitations set forth in the Maine Tort Claims Act. *See* 14 M.R.S. §§ 8107, 8110 (2005). The motion court did not

abuse its discretion in granting the motion to dismiss without a hearing, *see* M.R. Civ. P. 7(b)(7), or denying Hider's motion to recuse, *see In re Michael M.*, 2000 ME 204, ¶ 9, 761 A.2d 865, 867.

The entry is:

Judgment affirmed.

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