

ANTHONY MACHIAVELLI

v.

MARTIN MAGNUSSON et al.

Submitted on Briefs February 25, 2010

Decided March 9, 2010

Panel: LEVY, SILVER, MEAD, GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Anthony Machiavelli, a prisoner at the Maine State Prison, appeals from a summary judgment entered in the Superior Court (Cumberland County, *Wheeler, J.*) in favor of Martin Magnusson, Commissioner of Corrections, and Jeffrey Merrill, former Warden of the Maine State Prison, (collectively, the prison officials) on Machiavelli's complaint alleging that prison mail policies violate his constitutional rights. Contrary to Machiavelli's contentions, the court applied the correct legal standard to his First Amendment claim, *see Thornburgh v. Abbott*, 490 U.S. 401, 413 (1989), and properly found that the return address requirement is reasonably related to legitimate penological interests, *see Morrison v. Hall*, 261 F.3d 896, 906-07 (9th Cir. 2001). In addition, the Superior Court (*Delahanty, J.*) did not err in dismissing several of Machiavelli's claims pursuant to M.R. Civ. P. 12(b)(6) because Machiavelli failed to substantiate these claims in response to the prison officials' motion to dismiss. *See, e.g., Kirksey v. R.J. Reynolds Tobacco Co.*, 168 F.3d 1039, 1041 (7th Cir. 1999).

Machiavelli makes several other arguments on appeal. However, because these claims either (1) were not properly preserved for appellate review, or (2) lack merit, we decline to address them.

The entry is:

Judgments affirmed.

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