

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

MICHAEL DOYLE)	
)	
Plaintiff)	
)	
v.)	Civil Action No.:
)	
JUDGE THOMAS WARREN)	
and)	
STATE of MAINE)	
Defendant)	

COMPLAINT & DEMAND FOR JURY TRIAL

NOW COMES Plaintiff Michael Doyle and hereby complains against Defendant Judge Thomas Warren of the Superior Court of the State of Maine as follows:

THE PARTIES

1. Plaintiff, Michael Doyle, is an individual residing in the Town of Falmouth, County of Cumberland and State of Maine.
2. Defendant Judge Thomas Warren is an individual of the Superior Court System of the State of Maine. At all times relevant to this Complaint, Defendant Judge Thomas Warren was an appointed Judge for the Superior Court within the State of Maine.

JURISDICTION & VENUE

3. Venue is proper in this court because the Plaintiff is a resident of Maine, and because the Defendant is an appointed Judge in the Maine court system.

This Court has personal jurisdiction over the Defendant because he is an individual of a government unit organized and/or incorporated in the State of Maine.

4. This Court has original subject matter jurisdiction over this case pursuant to 28 U.S.C. Sec. 1331 (1948) and 28 U.S.C. Sec. 1343 (3) (1948) because this case arises under 42 U.S.C. Sec. 1983 and the Fifth and Fourteenth Amendment of the United States Constitution.
5. There are no pending state court proceeding relating to any of the factual and/or legal claims asserted in this Complaint.

FACTUAL BACKGROUND

6. In two separate cases the Defendant has either aided opposition by not applying rules of evidence and rules of testimony or the Defendant aided the opposition by ignoring attempted suborning of perjury at a side bar during a jury trial that should have required a directed verdict for this Plaintiff.

COUNT I

Violation of Plaintiff's 5st and 14th Amendment Rights
Due Process and Equal Protection
Claim for Relief Under 42 U.S.C. Sec. 1983

7. Plaintiff repeats and restates the allegations in paragraphs 1-6 as if fully set forth herein.
8. At all times relevant to this Complaint, Defendant Judge Thomas Warren of the State of Maine Superior Court system was a person within the meaning of 42 U.S.C. Sec. 1983.
9. At all times relevant to this Complaint, Plaintiff was a citizen of the United States within the meaning of 42 U.S.C. Sec. 1983.
10. During the damages portion of the *Francke v. Doyle* (1) case, (a case built wholly upon perjured testimony suborned by Nicholas Walsh, Esq. of Freeport, Maine), Defendant allowed testimony to facts not in evidence and ruled upon damages amounts that were totally unsupported by the Francke testimony. For example:
Francke: "I had to move to York."
No rent receipt was submitted to support this testimony, or perjury as the case may be, no rental agreement was submitted, no lease was submitted, and no landlord information was submitted. It remains very likely that Francke was residing at her boyfriend's grandmother's

house in Falmouth.

Francke: "I couldn't work."

No bank statements were submitted to verify loss of income, no overdue bills were submitted to verify unpaid status, and no evidence of any kind was submitted to support the fact that she wasn't still working for her boyfriend off the books on his lobster boat, which she still currently does. Without any supporting evidence Defendant magically came up with an amount of \$18,800 in damages. While acting under color of law, Defendant, Judge Thomas Warren, violated Plaintiff's right to Equal Protection Under the Law and Due Process under the U. S. Constitution. Pursuant to 42 U.S.C. Sec. 1983, Plaintiff is entitled to recover nominal and actual damages from Defendant Judge Thomas Warren. Pursuant to 42 U.S.C. Sec. 1988, Plaintiff is also entitled to recover reasonable attorneys' fees and costs from Defendant Judge Thomas Warren.

11. In its actions and omissions subjecting Plaintiff to a deprivation of his Fifth and Fourteenth Amendment rights, Defendant Warren of the Superior Court acted maliciously, and/or with reckless or callous indifference to Plaintiff's constitutional rights. Accordingly, Plaintiff is entitled to recover punitive damages from Defendant

Judge Thomas Warren.

12. At all times relevant to the allegations in this Complaint, Defendant Judge Thomas Warren was acting as an actual or apparent agent of Defendant State of Maine. Pursuant to well established principles of *respondent superior*, Defendant State of Maine is directly liable to Plaintiff for the actions and omissions of Defendant Judge Thomas Warren.

13. Defendants acted with total disregard for the Plaintiff's rights protected under the Fifth and Fourteenth Amendments.

COUNT II

14. Plaintiff repeats and restates the allegations in paragraphs 1 to 13 as if fully set forth here.

15. During the jury trial in *Doyle v. Peterson* before Defendant Judge Thomas Warren, at a sidebar in the presence of the jury, attorney Kelly Hoffman, Esq., counsel for Peterson stated:

"I've directed my client to testify that she paid to repair Mr. Doyle's car."

16. The Defendant in this action and this Plaintiff both stated at the sidebar, that Hoffman could not do that, it would be perjury because

Peterson's insurance company paid the claim.

FACTS RELATED TO BOTH CASES

17. In the *Francke* case Defendant Warren continuously allowed *Francke* to testify to facts not in evidence and totally unsupported by any documentation during the entire hearing. Not once was her perjury supported by one piece of actual evidence. In the *Peterson* case we had an actual offer during a side bar to enter perjured testimony into the case. When Plaintiff moved for a directed verdict as a sanction for the offered perjury Defendant Warren said that it was only suspected other witnesses had offered perjured testimony at the direction of Kelly Hoffman, Esq. Defendant Warren dismissed the motion for directed verdict as mere allegations while the Defendant had witnessed one instance personally yet didn't believe there were more of them. The violation of Due Process took place when in the *Francke* case there was no evidence to support money damages yet Warren awarded it, and in the *Petersen* case the offered perjury was supported by undisputed offered perjury versus actual lies in the unsupported *Francke* case. It is incumbent upon all judges in whatever court to protect the rights of the accused even when the accused are not aware of those rights. Defendant Warren failed to do

so in both of these cases.

WHEREFORE, Plaintiffs respectfully request that this Court:

- A. Order that the Defendants Judge Thomas Warren and the State of Maine pay to Plaintiff such compensatory and consequential damages as are appropriate, plus interest and costs.
 - B. Order that Defendants Judge Thomas Warren and the State of Maine pay Plaintiff their reasonable attorneys' fees.
 - C. Order that the Defendants Judge Thomas Warren and the the State of Maine pay punitive damages to Plaintiff; and
 - D. Award such other and further relief as is just and proper.
- fully set forth.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all claims set forth herein that are so triable.

Footnote: (1) The *Francke* case was decided by Judge Moskowitz. Plaintiff had been falsely accused and served for stalking *Francke*. When Plaintiff answered the Summons in court it was seen as such a false allegation by the D.A.'s office it wasn't even given a docket number and Plaintiff was dismissed from court. *Francke* then hired Walsh and Plaintiff was summons again, this time for harassment. Expecting the same no docket number assigned and dismissal from court Plaintiff was shocked to see a lawyer representing *Francke* due to no notice from the court order to appear that a lawyer was involved and Plaintiff should consider Discovery or legal representation. Plaintiff was then subjected to a barrage of perjury by all of *Francke's* witnesses and a false diagram of the location of the respective houses in the neighborhood, drawn by Walsh on the court's blackboard, a diagram that Walsh knew or should have known to be false. Moskowitz

rushed through the case found for *Francke* and barred Plaintiff from the Falmouth Town Landing and the Landing store for one year. Plaintiff attempted an Appeal but was unfamiliar, at that time, to the Rules of Civil Procedures and failed to file an Appendix and the Appeal was dismissed.

MICHAEL DOYLE,
Pro se

Dated: January 10, 2017

Michael Doyle
3 Shady Lane
Falmouth, Maine 04105
Tel: 207.766.6644
E-mail: seller99@msn.com