

STATE OF MAINE
CUMBERLAND, ss

MICHAEL J. DEE,
Plaintiff

v.

STATE OF MAINE,
Defendant

STATE OF MAINE
Cumberland ss Clerk's Office

OCT 25 2013

RECEIVED

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-13-289

JAW - cum - 10/25/2013

(CORRECTED)
ORDER ON MOTION TO
DISMISS

MeJ

Before the Court is the State's motion to dismiss for plaintiff's violation of a court order enjoining him from filing suit without court approval.

FACTUAL AND PROCEDURAL BACKGROUND

Plaintiff filed a petition for declaratory and injunctive relief challenging various aspects of Maine's marijuana laws as unconstitutional. Mr. Dee has a long history of challenging marijuana laws in Maine courts and elsewhere. *See State v. Dee*, 2012 ME 26, ¶ 2n.1, 39 A.3d 42. In 2007, the Superior Court (Crowley, J.) enjoined Mr. Dee "from filing further lawsuits in Maine courts to challenge the marijuana laws without prior approval of the court." *Dee v. State*, 2007 WL 4698274 (Me. Super. June 25, 2007). The Court explained its ruling:

Over a span of twelve years, Dee has repeatedly and unsuccessfully attempted to litigate this issue in state and federal courts, described in detail above. At every turn, courts have informed him that his claims have no legal merit and that the legislature, not the judiciary, is the proper forum for addressing this issue. Thus, the Court enjoins him from filing further lawsuits in Maine courts to challenge the constitutionality of the State's civil and criminal marijuana laws without prior approval from the court.

Id. Mr. Dee also moves the Court to grant him permission to file his petition.

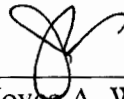
DISCUSSION

“It is well-settled that a court may enjoin a party from filing frivolous and vexatious lawsuits.” *Spickler v. Key Bank of S. Maine*, 618 A.2d 204, 207 (Me. 1992). Mr. Dee’s current suit argues the same points previously rejected by this Court, the Law Court, and other courts in Maine and other states. Mr. Dee’s suit is therefore frivolous and is accordingly dismissed.

The entry is:

Defendant’s motion to dismiss is GRANTED.

Date: 10/24/13



Joyce A. Wheeler
Justice, Superior Court

Plaintiff-Michael J Dee (Pro Se)
Defendant-William R Fisher AAG