

MAINE SUPREME JUDICIAL COURT

Reporter of Decisions
Decision No. Mem 23-69
Docket No. Cum-23-32

KINLEY MACDONALD

v.

STATE OF MAINE

Submitted on Briefs May 23, 2023

Decided May 30, 2023

Panel: STANFILL, C.J., and JABAR, HORTON, and CONNORS, JJ.

MEMORANDUM OF DECISION

Kinley MacDonald appeals from a judgment of a single justice of the Supreme Judicial Court (*Lawrence, J.*) dismissing her petition for writs of habeas corpus and mandamus. *See* 14 M.R.S. § 5301 (2023). Contrary to MacDonald's contentions, the single justice did not err or abuse his discretion in dismissing the petition.¹ *See* 14 M.R.S. § 5512(1) (2023); *A.S. v. LincolnHealth*, 2021 ME 6, ¶¶ 11-14, 246 A.3d 157; *Gerstein v. Pugh*, 420 U.S. 103, 117 n.19 (1975); *Young v. Johnson*, 161 Me. 64, 69-70, 207 A.2d 392 (1965); *Hofland v. York Cnty. Jail*, 2010 ME 97, ¶ 6 n.3, 5 A.3d 664.

The entry is:

Judgment affirmed.

¹ Nor was MacDonald entitled to court-appointed counsel to represent her in this civil matter that she initiated. *See, e.g., Cookish v. Cunningham*, 787 F.2d 1, 2 (1st Cir. 1986).

STATE OF MAINE

SUPREME JUDICIAL COURT
Sitting as the Law Court
Docket No. Cum-23-32

Kinley MacDonald

v.

ORDER ON PENDING MOTIONS

State of Maine

Kinley MacDonald has filed motions for the appointment of counsel to represent her and for an enlargement of time for her brief. The Court has not waited for any response from the State of Maine.

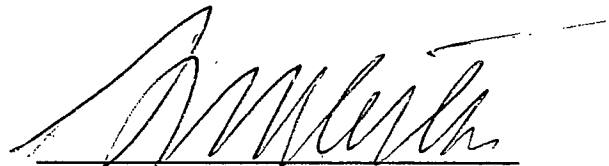
MacDonald is not entitled to an appointed attorney in this appeal from a civil matter that she commenced.

It is ORDERED as follows:

1. The motion to appoint counsel is DENIED.
2. The request for an enlargement of time for MacDonald's brief is GRANTED. MacDonald must file her brief on or before **April 14, 2023**.

Dated: March 16, 2023

For the Court,



Associate Justice

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STATE OF MAINE

SUPREME JUDICIAL COURT
Sitting as the Law Court
Docket No. Cum-23-32

Kinley MacDonald

v.

ORDER

State of Maine

Kinley MacDonald has appealed from an order of a single justice of the Supreme Judicial Court dismissing her petition for writs of mandamus and habeas corpus. The petition was related to pending criminal charges against her.

The Clerk of the Law Court docketed the matter under the caption "Kinley MacDonald v. State of Maine" and assigned it docket number Cum-23-32. Although the State did not participate in the matter before the single justice, the Clerk of the Law Court docketed the State as the appellee so that there would be an opposing party should the Court need any briefing in response to MacDonald's brief.

MacDonald did not pay the appeal fee or file a motion to waive the appeal fee. The Court is aware from other proceedings, however, that MacDonald is indigent.

The appeal appears to be frivolous. In order to expedite the decision on this matter and provide MacDonald with an opportunity to be heard without

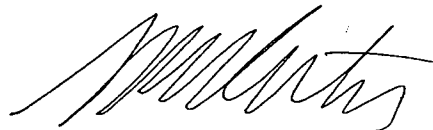
causing an undue burden on the State or the Court, the Court will set an abbreviated process for this appeal.

It is therefore ORDERED as follows:

1. The appeal fee is WAIVED.
2. The Clerk of the Law Court need not issue a notice of docketing in the Law Court or a schedule for the briefs and appendix.
3. MacDonald need not file an appendix.
4. MacDonald must file her appellant's brief on or before **March 3, 2023**.
5. MacDonald may file only one copy of her brief and need not serve the brief on the State. The brief need not comply with the Maine Rules of Appellate Procedure but may consist of a handwritten document not to exceed 20 pages.
6. The Clerk of the Law Court is directed to provide a copy of MacDonald's brief to the State when it is filed.
7. The State need not file an appellee's brief unless the Court requests one. MacDonald's appeal will be in order for consideration on the briefs without oral argument when MacDonald's brief is filed.

Dated: Feb 6, 2023

For the Court,



Associate Justice

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Maine Supreme Judicial Court

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Clerk's Office.**