

EDWARD HEWES

v.

DEPARTMENT OF CORRECTIONS

Submitted on Briefs June 15, 2000
Decided July 11, 2000

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY, and
ALEXANDER, JJ.

MEMORANDUM OF DECISION

Edward Hewes appeals from the judgment of the Superior Court (Knox County, *Pierson*, J.) dismissing his complaint upon his failure to file an amended complaint within the time ordered by the court. On appeal, Hewes contends that the court abused its discretion in denying (i) his motion to allow the late filing of his amended complaint; and (ii) his request to set aside the dismissal.

Hewes' motion to allow late filing was filed at the same time as his amended complaint. From this concurrent filing, the trial court could have concluded that Hewes anticipated difficulty meeting the filing deadline and that his attempts to blame prison, postal, or court officials for the delayed filing were attempts to shift responsibility away from his own late action. In the circumstances, the trial court did not abuse its discretion in denying his motions. *See Putnam v. Albee*, 1999 ME 44, ¶ 6, 726 A.2d 217, 219.

The entry is:

Judgment affirmed.

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