

[NOT FOR PUBLICATION-NOT TO BE CITED AS PRECEDENT]

**United States Court of Appeals
For the First Circuit**

No. 00-1572

DAVID MICHAUD,
Plaintiff, Appellant,

v.

WAYNE PERREAULT, INDIVIDUAL AND OFFICIAL CAPACITIES;
MICHAEL MCQUADE, INDIVIDUAL AND OFFICIAL
CAPACITIES; CITY OF ROCHESTER,

Defendants, Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

[Hon. Steven J. McAuliffe, U.S. District Judge]

Before

Torruella, Chief Judge,
Selya and Boudin, Circuit Judges.

David Michaud on brief pro se.
Donald E. Gardner and Devine, Millimet & Branch on brief for
appellees.

December 11, 2000

Per Curiam. Pro se appellant David Michaud appeals from the dismissal of his complaint under 42 U.S.C. § 1983 for failure to state a claim. In a report and recommendation dated March 8, 2000, a magistrate judge recommended dismissal on the ground that the claims were untimely. See 28 U.S.C. § 1915A(a) & (b) (providing for preliminary review of prisoner complaints against government officers or employees and for dismissal if they fail to state a claim for relief). After reviewing an objection filed by appellant, the district court approved the recommendation in an order dated March 20, 2000, and dismissed the complaint. We have carefully reviewed the record and the parties' arguments and affirm substantially for the reasons given in the magistrate judge's report, which was accepted by the district court, and in the appellees' brief.¹ On appeal, appellant alleges that state courts fraudulently concealed information from him, contending, apparently, that he would have timely discovered his claims if he had received the information in question.

¹We note that, given the early dismissal of the complaint, appellees were never served with process in the district court. After being notified of the appeal, however, they filed a brief and appendix. We deny appellant's motion to strike the brief and appendix.

But his allegations and the materials he submitted in support thereof do not show any misconduct by the courts or any other basis for finding his claims to be timely.

Affirmed. See Loc. R. 27(c).

[cc: Mr. Michaud, Mr. Gardner, Certified Copies to:
Honorable Steven J. McAuliffe, Mr. Starr, Clerk, U.S.
District Court of New Hampshire.]