



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JAMES M. ATKINSON,	)	
	)	
Plaintiff,	)	
v.	)	CIVIL ACTION
	)	NO. 11-11073-NMG
TOWN OF ROCKPORT, et al.,	)	
	)	
Defendants.	)	

**REPORT AND RECOMMENDATION ON MOTION  
OF PETER W. CURATOLO TO DISMISS**

November 4, 2011

DEIN, U.S.M.J.

**I. INTRODUCTION**

The plaintiff, James M. Atkinson (“Atkinson”), has filed a 474-page *pro se* complaint naming well over 100 defendants, including Dr. Peter W. Curatolo (“Dr. Curatolo”). This matter is presently before the court on the “Motion by Defendant, Peter W. Curatolo, to Dismiss Plaintiff’s Complaint Pursuant to Fed.R.Civ.P. Rule 8 and 12(b)(4)” (Docket No. 24). Pursuant to this motion, Dr. Curatolo is seeking to have the Third Amended Complaint (“Compl.”)<sup>1</sup> dismissed as against him for failure to comply with the pleading requirements of Rule 8 and due to insufficient process.

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<sup>1</sup> On July 19, 2011, the court ordered that the Third Amended Complaint (Docket No. 6) is the operative pleading in this case.

*After consideration of plaintiff's objection thereto,  
Report and Recommendation accepted and adopted.  
S/PM Jortson, USDJ 3/14/12*