

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  
BY DEFENDANT, MICHAEL ARSENIAN, M.D., 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 Michael Arsenian, M.D., (“Dr. Arsenian”). This matter is presently before the court on Dr. Arsenian’s Motion to Dismiss (Docket No. 39), pursuant to which he 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 Fed. R. Civ. P. 8.<sup>2</sup> “While a court may dismiss a pleading that does not comply with the notice pleading requirements of Rule 8, the exercise of this power is

<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.

<sup>2</sup> While the motion also cites Fed. R. Civ. P. 12(b)(4) as grounds for dismissal, this is not argued and therefore is deemed waived.

*After consideration of plaintiff's objection thereto,  
Report and Recommendation accepted and adopted.*

*J.M. Gordon, USDJ 3/14/12*