

Denial of the Right to Vote Because of Eviction

*Dowd v. Town of Dedham (Joseph L. Tauro
and Marianne B. Bowler, D. Mass. 1:01-cv-10944)*

A frequent pro se plaintiff filed a federal complaint four days before a municipal election. The plaintiff challenged denial of his right to vote arising from his eviction from a residence in the town. The judge granted the plaintiff in forma pauperis status and ordered him to show cause why the complaint should not be dismissed for lack of merit. The court of appeals affirmed dismissal of the action.

Subject: Nullifying registrations. *Topics:* Pro se party; registration challenges.

A pro se plaintiff filed a federal complaint in the District of Massachusetts on Tuesday, June 5, 2001, four days before an election scheduled for Dedham, Massachusetts.¹ The plaintiff challenged denial of his right to vote in Dedham arising from his eviction from a residence there.² On June 6, Judge Joseph L. Tauro granted the plaintiff's motion to proceed in forma pauperis,³ and Judge Tauro issued an order for the plaintiff to show cause why the complaint should not be dismissed for lack of merit.⁴

Based on an amended complaint filed on June 7,⁵ Judge Tauro ordered that day that the case be referred to a magistrate judge.⁶ On June 8, Magistrate Judge Marianne B. Bowler recommended dismissal of the action.⁷ On July 8, Judge Tauro adopted Judge Bowler's recommendation and dismissed the case.⁸ The court of appeals affirmed the dismissal on January 3, 2002.⁹

1. Complaint, *Dowd v. Town of Dedham*, No. 1:01-cv-10944 (D. Mass. June 6, 2001), D.E. 4.

2. *Dowd v. Dedham*, 25 F. App'x 6 (1st Cir. 2002); see Complaint, *Dowd v. McIntyre*, No. 1:00-cv-11611 (D. Mass. Aug. 14, 2000), D.E. 4 (unsuccessful eviction challenge); Complaint, *Dowd v. Town of Dedham*, No. 1:00-cv-10421 (D. Mass. Mar. 6, 2000), D.E. 2 (unsuccessful 2000 action for the right to vote in Dedham).

3. Docket Sheet, *Dowd*, No. 1:01-cv-10944 (D. Mass. June 5, 2001) (D.E. 2).

Judge Tauro died on November 30, 2018. Federal Judicial Center Biographical Directory of Article III Federal Judges, www.fjc.gov/history/judges.

4. Order, *Dowd*, No. 1:01-cv-10944 (D. Mass. June 6, 2001), D.E. 3.

5. Docket Sheet, *supra* note 3 (D.E. 5).

6. Order, *Dowd*, No. 1:01-cv-10944 (D. Mass. June 7, 2001), D.E. 6.

7. Docket Sheet, *supra* note 3 (D.E. 9).

8. *Id.* (D.E. 14).

9. *Dowd v. Dedham*, 25 F. App'x 6 (1st Cir. 2002).