

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>ZACHARY SWAIN, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>1:20-cv-00449-JDL</b>
	)	
<b>MAINE DEPARTMENT OF CORRECTIONS, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER ACCEPTING THE RECOMMENDED DECISION OF THE  
MAGISTRATE JUDGE**

Zachary Swain and five other named Plaintiffs, all prisoners at the Maine State Prison, brought this action in December 2020 against the Maine Department of Corrections; Wellpath, LLC, which provides mental health care and treatment to prisoners; and a number of individual Defendants associated with those two entities (ECF No. 1). The Plaintiffs assert federal constitutional and statutory claims arising from their conditions of confinement, particularly their placement in solitary confinement or segregation for extended periods of time. On March 10, 2021, the Court issued an order directing three Plaintiffs—including Ryan Lane and Jacob Zernicki—to show cause as to why their claims should not be dismissed for failure to either pay the filing fee or submit a properly-completed application for leave to proceed in forma pauperis (ECF No. 39).<sup>1</sup>

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<sup>1</sup> The other Plaintiff subject to the show-cause order, Robert Carroll, filed a motion to voluntarily dismiss his claims on April 12, 2021, which the Court granted (ECF No. 52).

United States Magistrate Judge John C. Nivison filed a Recommended Decision on the show-cause order and Lane's and Zernicki's claims with the Court on May 5, 2021 (ECF No. 57), pursuant to 28 U.S.C.A. § 636(b)(1)(B) (West 2021) and Fed. R. Civ. P. 72(b). The time within which to file objections has expired, and no objections have been filed. The Magistrate Judge provided notice that a party's failure to object would waive the right to *de novo* review and appeal.

I have reviewed and considered the Recommended Decision, together with the entire record, and have made a *de novo* determination of all matters adjudicated by the Magistrate Judge. I concur with the recommendations of the Magistrate Judge for the reasons set forth in his Recommended Decision and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision (ECF No. 57) of the Magistrate Judge is hereby **ACCEPTED**. The claims brought by Lane and Zernicki are **DISMISSED** without prejudice.

**SO ORDERED.**

**Dated this 18th day of June, 2021.**

/s/ JON D. LEVY  
**CHIEF U.S. DISTRICT JUDGE**