

**UNITED STATES DISTRICT COURT
District of Maine**

CRAIG A. BROWN,)	
)	
Plaintiff)	
)	
v.)	2:10-cv-523-GZS
)	
MICHAEL FERRARA, et al.,)	
)	
Defendants)	
)	

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

The United States Magistrate Judge filed with the Court on April 28, 2011, her Recommended Decision (Docket No. 81). Defendant Richards & Cranston filed its Objection to the Recommended Decision (Docket No. 91) on May 6, 2011. Plaintiff filed his Objection to the Recommended Decision (Docket No. 105) on May 16, 2011. Defendants Town of Rockport, Robert Peabody, Mark Kelley and Wesley Butler filed their Objection to the Recommended Decision (Docket No. 111) on May 18, 2011. Defendant Ronson filed her Response to Plaintiff's Objection to the Recommended Decision (Docket No. 115) on May 23, 2011. Defendant Gale filed his response to Plaintiff's Objection to the Recommended Decision (Docket No. 118) on June 1, 2011.

The Court notes that the above-referenced Objections (Docket Nos. 111 and 115) assert that the Plaintiff's Objection to the Recommended Decision was not timely filed. Under the Court's current Time Computation Guidelines effective December 1, 2009, an objection to a Report and Recommended Decision shall be filed within 14 days of the filing of a Report and Recommended Decision, **plus** an additional three (3) days for mailing, for a total of seventeen (17) days. Therefore,

the Court **FINDS** that Plaintiff's Objection to the Recommended Decision (Docket No. 105) was timely filed on May 16, 2011.

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

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
2. It is hereby **ORDERED** that Defendant Gusta Ronson's Motion to Dismiss (Docket No. 31) is **GRANTED** with prejudice as to all federal claims and without prejudice as to all supplemental state law claims under 28 U.S.C. § 1367(a), (c)(4).
3. It is hereby **ORDERED** that Defendant Jon C. Gale's Motion to Dismiss (Docket No. 32) is **GRANTED** with prejudice as to all federal claims and without prejudice as to all supplemental state law claims under 28 U.S.C. § 1367(a), (c)(4).
4. It is hereby **ORDERED** that Defendant Richards & Cranston Surveyors' Motion to Dismiss (Doc. No. 40) is **GRANTED** with prejudice as to all federal claims and without prejudice as to all supplemental state law claims under 28 U.S.C. § 1367(a), (c)(4).
5. It is hereby **ORDERED** that the Motion to Dismiss of Defendants Butler, Kelly, Peabody, and the Town of Rockport (Docket No. 36) is **GRANTED** with prejudice to all claims, both federal and state, for failure to state a claim.

/s/George Z. Singal _____
U.S. District Judge

Dated this 7th day of June, 2011.