

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

KYLE DESMARIS,	)	
	)	
Plaintiff	)	
	)	
v.	)	2:21-cv-00341-LEW
	)	
CO KENNETH HAMILTON, et al.,	)	
	)	
Defendants	)	

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

On May 18, 2023, the United States Magistrate Judge filed with the court, with copies to Plaintiff, his Recommended Decision on Plaintiff’s Complaint as to Defendant Leslie Brown. The time within which to file objections expired on June 1, 2023, and no objections have been filed. The Magistrate Judge notified the parties that failure to object would waive their right to *de novo* review and appeal.

It is therefore ORDERED that the Recommended Decision of the Magistrate Judge is hereby AFFIRMED and ADOPTED. The Court denies Defendant Leslie Brown’s motion to dismiss except to the extent Plaintiff asserts a medical negligence claim. To the extent Plaintiff’s complaint is construed to allege a medical negligence claim, the Court grants Defendant’s motion and the Court dismisses the negligence claim without prejudice.

**SO ORDERED.**

Dated this 28th day of June, 2023.

/s/ Lance E. Walker  
UNITED STATES DISTRICT JUDGE