

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

DEANE BROWN,)	
)	
Plaintiff,)	
)	
v.)	CV-07-61-B-W
)	
MARTIN MAGNUSSON, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER AFFIRMING RECOMMENDED DECISIONS

From August 27, 2008 to September 3, 2008, the Magistrate Judge filed a series of reports and recommended decisions in which she recommended that the Court grant judgment in favor of Defendant Douglas Starbird, *Recommended Dec.* (Docket # 55); grant in part and deny in part the motion to dismiss by Defendant Martin Magnusson, *Recommended Dec.* (Docket # 56); grant the motion to dismiss the procedural due process claim in favor of all Defendants, *Recommended Dec.* (Docket # 57); grant the motion to dismiss in favor of Defendants David Cutler, Nelson Riley, Troy Ross, and Russell Worcester, *Recommended Dec.* (Docket # 58); grant judgment in favor of Defendants James O’Farrell and Jeffrey Merrill, *Recommended Dec.* (Docket # 59); grant summary judgment to the Defendants on the Plaintiff’s First Amendment claim, dismiss the Plaintiff’s Eighth Amendment claim, dismiss without prejudice all claims against five John Doe defendants, and deny the Defendants’ motion for summary judgment to the extent it seeks summary judgment on the retaliation claims for failure to exhaust, *Recommended Dec.* (Docket # 60); and, deny the Plaintiff’s motions for a preliminary injunction and a temporary restraining order. *Recommended Dec.* (Docket # 61). The deadlines for objections to these recommended decisions fell on September 15, 2008 (Docket #'s 55, 56, 57),

September 18, 2008 (Docket # 58), and September 22, 2008 (Docket #'s 59, 60, 61). On September 12, 2008, the Plaintiff moved to extend the time within which to file objections to the recommended decisions and the Court granted the motion on September 17, 2008, extending the due date for objections on all of the recommended decisions to October 15, 2008. *Mot. to Enlarge Time* (Docket # 62); *Order* (Docket # 63). The Plaintiff, however, failed to file any objections by October 15, 2008 and failed to seek a further extension. Accordingly, the Plaintiff has waived the right to object to the recommended decisions and the Court therefore accepts each recommended decision.

1. It is therefore ORDERED that the Recommended Decisions of the Magistrate Judge (Docket #'s 55, 56, 57, 58, 59, 60, 61) are hereby AFFIRMED.
2. It is further ORDERED that Defendant Douglas Starbird's Motion for Summary Judgment (Docket # 25) be and hereby is GRANTED and Plaintiff's Cross Motion for Summary Judgment (Docket # 49) is DENIED.
3. It is further ORDERED that Defendant Martin Magnusson's Motion to Dismiss (Docket # 24) be and hereby is GRANTED.
4. It is further ORDERED that Defendants' Motion to Dismiss Plaintiff's Transfer Due Process Claim (Docket # 20) be and hereby is GRANTED.
5. It is further ORDERED that the Motion to Dismiss of Defendants Russell Worcester, Nelson Riley, David Cutler, and Troy Ross (Docket # 23) be and hereby is GRANTED.
6. It is further ORDERED that the Motion to Dismiss of Defendants James O'Farrell and Jeffrey Merrill (Docket # 33) be and hereby is GRANTED.
7. It is further ORDERED that the Defendants' Motion for Summary Judgment on Unexhausted Claims (Docket # 28) be and hereby is GRANTED IN PART to the extent that summary judgment is granted on Plaintiff's First Amendment claim (Count I), Plaintiff's Eighth Amendment claim (Count IV) is dismissed, and all of Plaintiff's claims against the five John Does are dismissed without prejudice, and DENIED IN PART to the extent that it seeks summary judgment on Plaintiff's retaliation claims (Count II) for failure to exhaust.

8. It is further ORDERED that Plaintiff's Motion for Preliminary Injunction (Docket # 16) and Motion for Temporary Restraining Order (Docket # 32) be and hereby are DENIED.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 17th day of October, 2008