

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

LT. JOHN THOMAS BERRY, )  
 )  
 Plaintiff, )  
 )  
 v. ) Civil No. 08-157-B-W  
 )  
 LARRY COSTA, *et al.*, )  
 )  
 Defendants. )

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

No objection having been filed to the Magistrate Judge's Recommended Decision (Docket #30) filed November 4, 2008, the Recommended Decision is accepted.

Accordingly, it is hereby ORDERED that Defendants' Renewed Motion to Dismiss (Docket # 23) be and hereby is GRANTED and the Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE.

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

Dated this 26th day of November, 2008