

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

TINO MARINO,	)	
	)	
Plaintiff	)	
v.	)	Civil No. 08-326-B-S
	)	
COMMISSIONER MAGNUSSON, et al.,	)	
	)	
Defendant	)	

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

No objections having been filed to the Magistrate Judge's Recommended Decision (Docket No. 34) filed April 28, 2009, the Recommended Decision is **AFFIRMED**.

Accordingly, it is **ORDERED** that the Defendant's Motion to Dismiss (Docket No. 24) is **DENIED** as to the 42 U.S.C. § 1983 claim and as to the state law claims.

/s/ George Z. Singal  
United States District Judge

Dated this 18th day of May, 2009.