

**UNITED STATES DISTRICT COURT
District of Maine**

MICHAEL McCUE,)	
)	
Plaintiff)	
)	
v.)	No. 1:14-cv-00098-GZS
)	
CITY OF BANGOR, ET AL)	
)	
Defendants)	
)	

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

The United States Magistrate Judge filed with the Court on September 22, 2015, his Recommended Decision (ECF No. 102). Plaintiff filed his Limited Objection to the Recommended Decision (ECF No. 103) on October 9, 2015. Defendants filed their Partial Objection to the Recommended Decision (ECF No. 104) on October 9, 2015. Plaintiff filed his Response to Defendants’ Partial Objection to the Recommended Decision (ECF No. 108) on October 21, 2015. Defendants filed their Response to Plaintiff’s Limited Objection to the Recommended Decision (ECF No. 110) on October 22, 2015.

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 his 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 **ORDERED** that Defendants' Motion for Summary Judgment is **GRANTED IN PART AND DENIED IN PART** as follows:
- a. Judgment is entered in favor of Defendant City of Bangor on the entirety of Plaintiff's 1983 civil rights claim;
 - b. Judgment is entered in favor of Defendants on Plaintiff's civil rights claim that is based on (i) Plaintiff's assertion that Defendants lacked probable cause to seize Plaintiff, and (ii) Plaintiff's assertion that Defendants acted with deliberate indifference toward Plaintiff's need for medical care;
 - c. Judgment is entered in favor of Defendants on Plaintiff's civil rights excessive force claim except as to his claim that the individual Defendants used excessive force after Plaintiff ceased resisting their efforts to apprehend and detain him;
 - d. Judgment is entered in favor of Defendants on the state law assault claim based on qualified immunity determination and corresponding immunity determination under the Maine Tort Claims Act except as to Plaintiff's assault claim based on Defendants' alleged use of excessive force after Plaintiff ceased resisting Defendants' efforts to apprehend and detain him. To the extent that Defendants' Motion is construed to request summary judgment on any of the other state law tort claims, the motion is **DENIED**.
3. It is **ORDERED** that Defendants' Joint Request for Oral Arguments (ECF No. 105) is **DENIED**.

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

Dated this 6th day of November, 2015.