

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

|                                    |   |                          |
|------------------------------------|---|--------------------------|
| <b>ANTHONY MACHIAVELLI,</b>        | ) |                          |
|                                    | ) |                          |
| <b>Plaintiff,</b>                  | ) |                          |
|                                    | ) |                          |
| <b>v.</b>                          | ) | <b>1:15-cv-00340-JDL</b> |
|                                    | ) |                          |
| <b>CAPTAIN HAROLD ABBOTT, JR.,</b> | ) |                          |
| <b>et al.,</b>                     | ) |                          |
|                                    | ) |                          |
| <b>Defendants.</b>                 | ) |                          |

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

The United States Magistrate Judge filed his Recommended Decision (ECF No. 28) with the court on February 29, 2016, pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b). The Magistrate Judge, after conducting a preliminary review of Plaintiff Anthony Machiavelli's Amended Complaint (ECF No. 25) in accordance with 28 U.S.C. §§ 1915 and 1915A, recommended that the court dismiss Plaintiff's claims with the exception of his retaliation claims. ECF No. 28 at 1, 7, 9. Plaintiff filed an Objection to the Recommended Decision (ECF No. 29) on March 11, 2016. Defendants waived response to Plaintiff's Objection on March 28, 2016. ECF No. 32.

I have carefully reviewed and considered Plaintiff's Objection and the Magistrate Judge's Recommended Decision, and have made a *de novo* determination of the matters objected to. I agree with the analysis and conclusions of the Magistrate Judge as set forth in his Recommended Decision and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge (ECF No. 28) is hereby **ADOPTED**. Plaintiff's Amended Complaint (ECF No. 25) is **DISMISSED IN PART**, namely, all claims against Defendants State of Maine, Paul LePage, Janet Mills, Maine Department of Corrections, Joseph Ponte, Joseph Fitzpatrick, Rodney Bouffard, and Brittany Payson, and Plaintiff's federal and state due process, equal protection, and cruel and unusual punishment claims against all Defendants. It is further **ORDERED** that service of process be made upon Defendants Harold Abbott, Jr., Antonio Mendez, and Troy Ross, on Plaintiff's retaliation claims against the same, including the additional retaliation claim against Defendant Mendez introduced in the Amended Complaint. It is also **ORDERED** that service of process be made upon Defendant Randall Liberty, in his official capacity as warden of the Maine State Prison, in connection with Plaintiff's claim for injunctive relief on his retaliation claim.

**SO ORDERED.**

Dated this 1<sup>st</sup> day of April, 2016.

/s/ Jon D. Levy  
**U.S. DISTRICT JUDGE**