

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

JAMES SCOTT WILBUR,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Docket No. 1:18-cv-255-NT
JOSEPH FITZPATRICK, et al.,	)	
	)	
Defendants	)	

ORDER AFFIRMING THE RECOMMENDED  
DECISION OF THE MAGISTRATE JUDGE

On April 17, 2019, the United States Magistrate Judge filed with the court, with copies to the parties, his Recommended Decision (ECF No. 29). The time within which to file objections has expired, and no objections have been filed. The Magistrate Judge notified the parties that failure to object would waive their right to de novo review and appeal.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED** and the Defendants’ motion for summary judgment is **GRANTED IN PART** and **DENIED IN PART**. Specifically, the Defendants’—Troy Ross, Harold Abbott, Shane Blakely, Eric Bueno, and Joseph Theriault—motion for summary judgment on the due process claim is **GRANTED** as to all remaining Defendants and the Defendants’ motion for summary judgment on the excessive force claim is **GRANTED** as to all remaining Defendants except Charles Horton. Defendant Charles Horton’s motion for summary judgment on the excessive force

claim is **DENIED**. The only remaining claim is against Defendant Charles Horton for use of excessive force.

SO ORDERED.

/s/ Nancy Torresen  
United States District Judge

Dated this 29th day of May, 2019.