UNITED STATES DISTRICT COURT
District of Maine

LEON E. BARD, JR.,	)	
	)	
Plaintiff	)	
	)	
v.	)	**Civil No. 08-193-P-S**
	)	
BRENDEN SMITH, et al,	)	
	)	
Defendant	)	
	)	

ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE

The United States Magistrate Judge filed with the Court on July 23, 2008, her Recommended Decision (Docket No. 21). Plaintiff filed his Objection to the Recommended Decision (Docket No. 26) on August 25, 2008. Defendants, Dan Daggett and Robert Ireton-Hewitt, filed their Response to Plaintiff's Objection to the Recommended Decision (Docket No. 27) on September 12, 2008. Defendant, Brenden Smith, filed his Response to Plaintiff's Objection to the Recommended Decision (Docket No. 28) on September 12, 2008.

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 her 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 hereby **ORDERED** that Defendant Brenden Smith's Motion for Sanctions (Docket No. 8) is **DENIED**.

3. It is hereby **ORDERED** that Defendant Brenden Smith's Motion to Dismiss (Docket No. 9) is **GRANTED**.

4. It is hereby **ORDERED** that Defendant Dan Daggett's Motion to Dismiss (Docket 15) is **GRANTED.**

5. It is hereby **ORDERED** that Defendant Robert Ireton-Hewitt's Motion to Dismiss (Docket No. 18) is **GRANTED**.

6. It is hereby **ORDERED** that Plaintiff's Complaint (Docket No. 1) containing his 42 U.S.C. § 1983 and Rico counts is **DISMISSED** for failure to state a claim, and further I decline to exercise pendant jurisdiction over any state law fraud/conspiracy claim.

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

Dated: September 18, 2008