

**UNITED STATES DISTRICT COURT
District of Maine**

CHARLES SMALL, JR.,)	
)	
Plaintiff)	
)	
v.)	Civil No. 09-88-P-S
)	
WAL-MART STORES EAST, LP,)	
)	
Defendant)	
)	

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

The United States Magistrate Judge filed with the Court on December 16, 2009, his Recommended Decision (Docket No. 41). Plaintiff filed his Objection to the Recommended Decision (Docket No. 42) on December 31, 2009. Defendant filed its Response to Plaintiff's Objection to the Recommended Decision (Docket No. 43) on January 7, 2010.

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 hereby **ORDERED** that Defendant's Motion for Summary Judgment (Docket No. 21) is **GRANTED**.

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

Dated: January 8, 2010