

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

ALINE C. DUPONT,)
)
 Plaintiff,)
)
 v.) 2:11-cv-00209-JAW
)
 CITY OF BIDDEFORD, *et al.*,)
)
 Defendant.)

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

Plaintiff Aline C. Dupont filed an amended complaint against the Biddeford Police Department, the Biddeford Police Commissioner, and the City of Biddeford (collectively Biddeford Defendants) on May 25, 2011, alleging that the defendants had violated her rights under both state and federal law. *Am. Compl.* (Docket # 5). On July 26, 2011, the Biddeford Defendants moved to dismiss the amended complaint. *Def.' Motion to Dismiss Am. Compl.* (Docket # 8). Ms. Dupont filed an objection to the motion on September 16, 2011, *Pl.'s Obj. to Defs.' Mot. to Dismiss* (Docket # 13), and the Biddeford Defendants replied on September 30, 2011, *Def.' Reply to Pl.'s Opp'n to Def.'s Mot. to Dismiss* (Docket # 14).

The United States Magistrate Judge filed with the Court a Recommended Decision on October 24, 2011. *Rec. Dec. on Mot. to Dismiss Am. Compl.* (Docket # 15) (*RecDec*). On November 8, 2011, Ms. Dupont filed her objection to the Magistrate's recommended decision. *Obj. to Rec. Dec. and Mot. to Extend and to*

Recuse (Docket # 16). The Biddeford Defendants filed their response to her objection on November 23, 2011. *Resp. to Pl.'s Obj. to Rec. Dec. and Mot. to Extend and to Recuse* (Docket # 18).

The Court has reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record, and has made a *de novo* determination of all matters adjudicated therein. The Court concurs with the recommendations of the Magistrate Judge for the reasons set forth in the Recommended Decision.¹

1. It is therefore ORDERED that the Recommended Decision of the Magistrate Judge is hereby ADOPTED.
2. The Defendants' Motion to Dismiss the Amended Complaint (Docket # 8) is GRANTED.
3. The Plaintiff's federal constitutional claims are hereby DISMISSED with prejudice.
4. The Plaintiff's state law claims are hereby DISMISSED without prejudice.

¹ The Court corrects a clerical error in the Recommended Decision. On page 8 in the last sentence of the first full paragraph, the following sentence appears:

Additionally, because Defendants were not Dupont's employer, the fact that the disclosure caused Dupont's termination does expose Defendants to a procedural due process claim.

Rec. Dec. at 8. It is apparent from the context that the Magistrate Judge intended to say that the termination did not expose the Defendants to a procedural due process claim. Accordingly, the Court affirms the Recommended Decision, except it replaces the sentence quoted above with the following:

Additionally, because Defendants were not Dupont's employer, the fact that the disclosure caused Dupont's termination does not expose Defendants to a procedural due process claim.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
CHIEF UNITED STATES DISTRICT JUDGE

Dated this 10th day of February, 2012