

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHRISTOPHER L. STINE,	:	CIVIL ACTION NO. 1:09-CV-944
Plaintiff	:	
	:	(Judge Conner)
v.	:	
	:	
PENNSYLVANIA STATE POLICE,	:	
BUREAU OF LIQUOR CONTROL	:	
ENFORCEMENT, et al.,	:	
Defendants	:	

ORDER

AND NOW, this 25th day of May, 2011, upon consideration of the Report and Recommendation of United States Magistrate Judge William T. Prince (Doc. 78), recommending that defendants' motion to dismiss (Doc. 65) be granted to the extent it seeks dismissal of the claims for violations of substantive due process and denied to the extent that it seeks dismissal of claims for violations of procedural due process, and, following an independent review of the record and noting that defendants filed objections¹ to the report on May 6, 2011 (Doc. 81), and the court finding Judge Prince's analysis to be thorough and well-reasoned, and the court finding defendants' objections to be without merit and squarely addressed by Judge Prince's report, it is hereby ORDERED that:

¹ Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at *3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at *6 (M.D. Pa. Sept. 8, 2008)).

1. The report and recommendation of Magistrate Judge Prince (Doc. 78) are ADOPTED.
2. Defendants' motion to dismiss (Doc. 65) plaintiff's claims under the Due Process Clause of the Fourteenth Amendment is GRANTED to the extent that it seeks dismissal of claims for violations of substantive due process, and DENIED to the extent that it seeks dismissal of claims for violations of procedural due process.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge