

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT**

**Christopher J. Cafferky,  
Plaintiff,**

**v.**

**Andrew Pallito, Celeste Girrell,  
Scott Shafer, Carol Callea,  
Robert Bowen and Dennis Brancaccio,  
Defendants.**

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**File No. 1:09-cv-00193-jgm**

**ORDER**

The Magistrate Judge's Report and Recommendation was filed February 14, 2011. (Doc. 30.) After de novo review and over objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

Defendants' Motion to Dismiss Plaintiff's Amended Complaint (Doc. 22) is GRANTED and this case is DISMISSED. Any claim against Defendant Brancaccio relating to Plaintiff's parole violation is DISMISSED without prejudice.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 29<sup>th</sup> day of March, 2011.

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/s/ J. Garvan Murtha  
Honorable J. Garvan Murtha  
Senior United States District Judge