

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

**DEVIN RICHARDSON,**  
**Plaintiff,**

**v.**

**STATE OF VERMONT, VERMONT  
DEPARTMENT OF CORRECTIONS,  
ANDREW PALLITO, GREG HALE,  
and MATTHEW BROUILLETTE,  
Defendants.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**File No. 1:15-cv-120-jgm-jmc**

**ORDER**

The Magistrate Judge's Amended Report and Recommendation was filed November 4, 2016. (Doc. 49.) 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 for Judgment on the Pleadings (Doc. 42) is GRANTED as follows, and Plaintiff's Amended Complaint (Doc. 11) is DISMISSED:

1. Defendants' Motion is GRANTED on the basis of Matthew Brouillette's lack of personal involvement, and the claims for monetary damages against Brouillette in his personal capacity are DISMISSED.

2. Defendants' Motion is GRANTED on the basis of lack of subject matter jurisdiction, and Plaintiff's claims for injunctive relief against Defendants in their official capacities is DISMISSED.

3. Defendants' Motion is GRANTED on the basis that Plaintiff has not established violations of his procedural and substantive due process rights, and any remaining claims by Plaintiff against Defendants are DISMISSED.

4. Plaintiff has not sufficiently pleaded a claim for punitive damages; therefore, Defendants' Motion is GRANTED and any punitive damages claims are DISMISSED.

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 7<sup>th</sup> day of December, 2016.

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