

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>KELLY FUSCO,</b>	)	
	)	
<b>PLAINTIFF</b>	)	
	)	
<b>v.</b>	)	<b>Civil No. 02-264-P-H</b>
	)	
<b>DEAN GOODALE,</b>	)	
	)	
<b>DEFENDANT</b>	)	

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

The United States Magistrate Judge filed with the court on August 14, 2003, with copies to counsel, his Recommended Decision on Defendant's Motion for Summary Judgment. The defendant filed an objection to the Recommended Decision on August 25, 2003. I have reviewed and considered the Recommended Decision, together with the entire record; I have made a *de novo* determination of all matters adjudicated by the 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.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The defendant's motion for summary judgment is **GRANTED** as to any claims based on the constitutional right of due process and as

to any claim in Count II based on the defendant's entry into the plaintiff's apartment, and is otherwise **DENIED**.

**So ORDERED.**

**DATED: SEPTEMBER 18, 2003**

---

**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**