

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

MICHAEL ESPOSITO,)
)
 PLAINTIFF)
)
 v.)
)
 CITY OF PORTLAND, ET AL.,)
)
 DEFENDANTS)

CIVIL No. 03-98-P-H

ORDER AFFIRMING RECOMMENDED DECISION OF THE MAGISTRATE JUDGE

The United States Magistrate Judge filed with the court on September 10, 2003, with copies to counsel, his Recommended Decision on Defendants' Motion to Dismiss. The time within which to file objections expired on September 29, 2003, and no objections have been filed. The Magistrate Judge notified the parties that failure to object would waive their right to *de novo* review and appeal.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The motion to dismiss (Docket Item 24) filed by the defendants Farris, Moreland and Porter is **GRANTED** as to Counts I and XIV of the Amended Complaint and is otherwise **DENIED**. Their motion to dismiss the complaint (Docket Item 14) is **MOOT. So ORDERED.**

DATED: OCTOBER 6, 2003

/s/**D. BROCK HORNBY**

D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE