

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

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|-----------------------------|---|----------------------------|
| KIM M. YORK, ET AL., |) | |
| |) | |
| PLAINTIFFS |) | |
| |) | |
| v. |) | Civil No. 03-99-P-H |
| |) | |
| TOWN OF LIMINGTON, |) | |
| |) | |
| DEFENDANT |) | |

ORDER AFFIRMING RECOMMENDED DECISION OF THE MAGISTRATE JUDGE

The United States Magistrate Judge filed with the court on October 7, 2003, with copies to counsel, his Recommended Decision on Defendant's Motion to Dismiss. An objection to the Recommended Decision was filed by the plaintiffs on October 26, 2003, and a cross-objection was filed by the defendant on November 7, 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 to dismiss is **GRANTED** as to

Counts I, II, III, IV of the Complaint and that portion of Count III(B) attacking the Amended Ordinance on the basis that it vests unreviewable discretion in the Code Enforcement Officer, and **DENIED** as to Count V and that portion of Count III(B) challenging the Amended Ordinance on the basis that the standard pursuant to which the Code Enforcement Officer is to exercise his or her discretion is impermissibly vague.

The pending motions to amend complaint are referred to the Magistrate Judge.

So ORDERED.

DATED: NOVEMBER 13, 2003

/s/D. BROCK HORNBY

D. BROCK HORNBY

UNITED STATES DISTRICT JUDGE