

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

LEONARD SHERWOOD, ET AL.,)	
)	
PLAINTIFFS)	
)	
v.)	Civil No. 02-211-P-H
)	
PRISON HEALTH SERVICES,)	
ET AL.,)	
)	
DEFENDANTS)	

ORDER AFFIRMING RECOMMENDED DECISION OF THE MAGISTRATE JUDGE

The United States Magistrate Judge filed with the court on December 10, 2003, with copies to counsel, his Memorandum Decision on Motions to Strike and Recommended Decision on Defendants' Motion for Summary Judgment. The plaintiffs filed an objection to the Recommended Decision on December 29, 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 the Recommended Decision, and determine that no further proceeding is necessary.

I note the plaintiffs' claim that the Magistrate Judge, at page 28 of the Recommended Decision, incorrectly considered the defendants' Statement of

Material Facts ¶ 56 as undisputed. Considering it as disputed, however, does not affect the outcome.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The defendants' motion for summary judgment is **GRANTED** as to Counts I and III-VI of the Complaint and any claims for punitive damages, and is otherwise **DENIED**.

So ORDERED.

DATED: JANUARY 22, 2004

/s/D. BROCK HORNBY

D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE