

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

NADIM HAQUE,

PLAINTIFF

v.

**MARTIN A. MAGNUSSON, *in his
capacity as Commissioner of the Maine
Department of Corrections, ET AL.,***

DEFENDANTS

CIVIL No. 08-305-P-H

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

On April 8, 2011, the United States Magistrate Judge filed with the court, with copies to the parties, her Recommended Decision on Motions for Summary Judgment. The plaintiff filed an objection to the Recommended Decision on April 26, 2011. 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.

The Recommended Decision says that the Magistrate Judge knows “from [her] personal involvement in this case that Haque had the policy in hand by

December 11, 2010.” Recommended Decision at 3-4 (Docket Item 139). The year date is a typographical error. Docket Item 54 shows that Haque told the Magistrate Judge on December 11, 2009, that he had received the most recent revisions.

It is **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The motions for summary judgment as they relate to Haque’s federal claims against all defendants are **GRANTED**. The Court declines to exercise supplemental jurisdiction over the state law Maine Administrative Procedures Act claim and that claim is **DISMISSED WITHOUT PREJUDICE**. The pending motions to dismiss and to amend the answer to the amended complaint are **MOOT**.

SO ORDERED.

DATED THIS 11TH DAY OF MAY, 2011

/s/D. BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE

**DISTRICT OF MAINE (PORTLAND)
CIVIL DOCKET FOR CASE #: 2:08cv305 (DBH)**

Nadim Haque

Plaintiff

represented by **Nadim Haque**, Pro Se
No. 20734
Maine State Prison
807 Cushing Road
Warren, ME 04864-4600

v.

Martin Magnusson, *in his capacity as the
Commissioner of the Maine Department of
Corrections,*

Jeffrey Merrill, *in his capacity as Warden
of the Maine State Prison,*

Robert Costigan, *in his capacity as the
Grievance Review Officer and Prison
Administrative Coordinator at the Maine
State Prison and the Bolduc Correctional
Facility,*

Sergeant Creamer, *in his capacity as the
supervisor having jurisdiction over mail
matters at the Maine State Prison,*

H. Anderson, *in her capacity as mailroom
clerk at the Maine State Prison,*

N. Shanholtzer, *in her capacity as
mailroom clerk at the Maine State Prison,*

Jim Sturks, *in his capacity as property
officer at the Maine State Prison,*

Sergeant Howlett, *Media Review Officer
at the Maine State Prison,*

Defendants

represented by **Diane Sleek**
Assistant Attorney General
State House Station 6
Augusta , ME 04333-0006
(207) 626-8800
email: diane.sleek@maine.gov