

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>DONALD LEWIS GILBERT,</b>	)	
	)	
<b>PLAINTIFF</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL No. 1:11-cv-207-DBH</b>
	)	
<b>ROBERT PEASE, ET AL.,</b>	)	
	)	
<b>DEFENDANTS</b>	)	

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

On September 7, 2011, the United States Magistrate Judge filed with the court, with copies to the parties, her Recommended Decision on Motion for Preliminary Injunction and Motion to Dismiss. The plaintiff filed an objection to the Recommended Decision on October 13, 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. I see no reason to entertain the new version of events that the plaintiff recounts in his objection to the Recommended Decision. These were not contained in the complaint and never presented to the Magistrate Judge. See Paterson-Leitch Co. v. Mass. Mun. Wholesale Elect. Co., 840 F.2d 985, 990-91 (1st Cir. 1988).

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The defendants' motion to dismiss is **GRANTED** and the plaintiff's motion for a preliminary injunction is **MOOT**.

**SO ORDERED.**

**DATED THIS 1<sup>ST</sup> DAY OF NOVEMBER, 2011**

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

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE (BANGOR)  
CIVIL DOCKET NO. 1:11cv207 (DBH)**

**Donald Lewis Gilbert,**

**Plaintiff**

Represented By **Donald Lewis Gilbert**, Pro Se  
No. 110518  
Maine State Prison  
807 Cushing Road  
Warren, ME 04864

**v.**

**Robert Pease,**

**Scott Drake,**

**Russell Worcester, Jr.,**

**Patricia Barnhart**, *both in her  
individual and official capacity as  
Warden, Maine State Prison,*

**Joseph Ponte**, *both in his individual  
and official capacity as  
Commissioner, Maine Department of  
Corrections,*

**Defendants**

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