

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

| | | |
|-----------------------------|---|---------------------------------|
| CLYDE A. LIVINGSTON, |) | |
| |) | |
| PLAINTIFF |) | |
| |) | |
| v. |) | CIVIL No. 2:14-cv-70-DBH |
| |) | |
| UNUM PROVIDENT, |) | |
| |) | |
| DEFENDANT |) | |

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

On July 22, 2014, the United States Magistrate Judge filed with the court, with copies to the parties his Recommended Decision on Defendant’s Motion to Dismiss. The plaintiff filed an objection to the Recommended Decision on July 28, 2014, and a continued objection on August 22, 2014. ECF Nos. 42 and 46. 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.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. I **DENY** the plaintiff’s Motion to Compel (ECF No. 39) because the court lacks jurisdiction. The plaintiff’s complaint is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

SO ORDERED.

DATED THIS 25TH DAY OF AUGUST, 2014

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

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE (PORTLAND)
CIVIL DOCKET NO. 2:14-cv-70-DBH**

**Clyde A. Livingston,
Plaintiff**

Represented by:

Clyde A. Livingston, Pro Se
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Stockton, CA 95210

v.

**UNUM Provident,
Defendant**

Represented by:

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