

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

WILLIAM DEVINE,)	
)	
Plaintiff)	
v.)	Civil No. 05-220-P-S
)	
SULLIVAN RIZZO, et al.,)	
)	
Defendants)	

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

No objections having been filed to the Magistrate Judge's Recommended Decision (Docket No. 16) filed June 14, 2006, the Recommended Decision is AFFIRMED.

Accordingly, it is ORDERED that Defendants' Motion to Dismiss (Docket No. 9) is GRANTED with respect to those portions of Count I asserting causes of action other than excessive force in contravention of the Fourth Amendment, and Counts II, III and V in their entirety and otherwise DENIED. Plaintiff's Motion to Amend his compliant (Docket No. 13 (see No. 12)) is GRANTED with respect to assertive force and civil assault claims against Rizzo in his individual capacity and otherwise DENIED. Plaintiff is to file an amended complaint consistent herewith, no later than five (5) business days from the date of this order.

/s/ George Z. Singal
Chief United States District Judge

Dated this 6th day of July, 2006.

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