

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

TINO MARINO,)	
)	
Plaintiff)	
v.)	Civil No. 08-326-B-S
)	
COMMISSIONER MAGNUSSON, et al.,)	
)	
Defendant)	

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

No objections having been filed to the Magistrate Judge's Recommended Decision (Docket No. 34) filed April 28, 2009, the Recommended Decision is **AFFIRMED**.

Accordingly, it is **ORDERED** that the Defendant's Motion to Dismiss (Docket No. 24) is **DENIED** as to the 42 U.S.C. § 1983 claim and as to the state law claims.

/s/ George Z. Singal
United States District Judge

Dated this 18th day of May, 2009.

Plaintiff

TINO MARINO

represented by **ANDREWS B. CAMPBELL**
CAMPBELL LAW OFFICES
919 RIDGE ROAD
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defaulted Party

JAMES O'FARREL, JR
Corrections Officer for the
Department of Corrections at the
Maine State Prison

Defendant

COMMISSIONER, MAINE
DEPARTMENT OF
CORRECTIONS

represented by **MARTHA J. HALLISEY-**
SWIFT
MAINE ATTORNEY
GENERAL'S OFFICE
SIX STATE HOUSE STATION
AUGUSTA , ME 04333-0006
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ATTORNEY TO BE NOTICED

Defendant

PHD MAUREEN V RUBANO

represented by **MARTHA J. HALLISEY-**
SWIFT
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

JAMES MAC THOMAS
Social Worker, Maine State Prison

represented by **MARTHA J. HALLISEY-**
SWIFT
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

ALBERT KEYAN
Correctional Officer, Maine State

Prison
TERMINATED: 01/26/2009

Defendant

GEOFFREY KING
*Correctional Officer, Maine State
Prison*
TERMINATED: 03/06/2009

Defendant

NOVA HIRSCH
*Correctional Officer, Maine State
Prison*

represented by **MARTHA J. HALLISEY-
SWIFT**
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ATTORNEY TO BE NOTICED

Defendant

**FIRST NAME UNKNOWN
TRIPP**
*Correctional Officer, Maine State
Prison*
TERMINATED: 03/16/2009

represented by **MARTHA J. HALLISEY-
SWIFT**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**FIRST NAME UNKNOWN
PREVOT**
*Correctional Officer, Maine State
Prison*
TERMINATED: 01/26/2009

Defendant

RYAN KENYAN
*Correctional Officer, Maine State
Prison*

represented by **MARTHA J. HALLISEY-
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ATTORNEY TO BE NOTICED

Defendant

REGIS PREVOT
*Correctional Officer, Maine State
Prison*

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SWIFT**
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ATTORNEY TO BE NOTICED

Defendant

JEFFREY KING

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Defendant

JEFFREY MERRILL

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Defendant

CLARENCE TRIPP

represented by **MARTHA J. HALLISEY-
SWIFT**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED