

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

MARK VILLENEUVE,)	
)	
Plaintiff,)	
v.)	Civil No. 09-13-P-S
)	
STATE OF CONNECTICUT, et al.,)	
)	
Defendants.)	

**ORDER ON PENDING MOTIONS AND THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

Before the Court are the following motions: (1) Plaintiff’s Motion to Amend Heading and Party Information, filed on May 15, 2009 (Docket # 52), (2) Plaintiff’s Motion for Sanctions Against Defendant State of Connecticut, filed on June 4, 2009 (Docket # 67), (3) Plaintiff’s Motion to Amend Complaint, filed on June 10, 2009 (Docket # 70), and (4) Plaintiff’s Motion for Alternative Dispute Resolution, filed on June 11, 2009 (Docket # 73). The Court has deferred ruling on these motions until it received the Recommended Decision of the Magistrate Judge regarding multiple motions that were earlier put under advisement and referred to the Magistrate Judge. The Court now considers all pending motions in the order in which they were filed and briefed by the parties.

On July 13, 2009, the Magistrate Judge filed his Recommended Decision (Docket # 84), which recommends that this Court GRANT Defendant State of Connecticut’s Motion to Dismiss (Docket # 44) and DENY Plaintiff’s Motions for Entry of Default (Docket #s 14 & 23) and Plaintiff’s Motions for Entry of Default Judgment (Docket #s 24 & 29). In connection with these recommendations, the Magistrate Judge also DENIED Plaintiff’s Motions for Leave to Supplement the Record (Docket #s 78 & 81) and MOOTED Plaintiff’s Objection to Court’s

Refusal to Grant Default and Default Judgment (Docket # 25).

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations and rulings of the United States Magistrate Judge for the reasons set forth in his Recommended Decision, and determine that no further proceeding is necessary.

It is therefore ORDERED that the Recommended Decision of the Magistrate Judge (Docket # 84) is hereby AFFIRMED. It is hereby ORDERED that Defendant's Motion to Dismiss (Docket # 44) is GRANTED, Plaintiff's Motions for Entry of Default and Default Judgment (Docket #s 14, 23, 24 & 29) are DENIED, and Plaintiff's Objection to Court's Refusal to Grant Default and Default Judgment (Docket # 25) is MOOT. In accordance with these rulings, Plaintiff's federal claims against Defendant State of Connecticut are hereby DISMISSED and Plaintiff's state law claims against Defendant State of Connecticut are hereby DISMISSED WITHOUT PREJUDICE because the Court declines to exercise supplemental jurisdiction over these state law claims. See, e.g., Keenan v. Int'l Assoc. of Machinists & Aerospace Workers, ---F. Supp. 2d ---, ---- (D. Me. 2009), 2009 WL 2021835, at *7 (similarly declining to exercise supplemental jurisdiction over remaining state law claims).

The Court turns its attention to the remaining four motions pending before this Court. In light of the Court's decision to dismiss all remaining claims against the State of Connecticut, the Court hereby DENIES Plaintiff's Motion to Amend Heading and Party Information (Docket # 52), Plaintiff's Motion to Amend Complaint (Docket # 70) and Plaintiff's Motion for Alternative Dispute Resolution (Docket # 73) as moot and futile.

With respect to Plaintiff's Motion for Sanctions (Docket # 67), the Court DENIES this

Motion based on its finding that sanctions against Defendant are not appropriate. Moreover, the Court finds that although compliance with the safe harbor provision of Rule 11 would have been possible and appropriate under the circumstances, Plaintiff failed to comply with that provision. See Fed. R. Civ. P. 11(c)(2) (explaining, in relevant part, that the safe harbor applies to a “challenged . . . contention [that can be] appropriately corrected”).

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 5th day of August, 2009.

Plaintiff

MARK VILLENEUVE

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Defendant

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Defendant

SANDRA CUNNINGHAM

In her individual and official capacity

TERMINATED: 06/22/2009

Defendant

RICHARD FLORENTINE

In his individual and official capacity

TERMINATED: 06/22/2009

Defendant

MICHAEL BOWLER

In his individual and official capacity

TERMINATED: 06/22/2009

Defendant

FRANCES MICKELSON-DERA

In her individual and official capacity

TERMINATED: 06/22/2009

Defendant

JOHN MASTROPIETRO

In his individual and official capacity

TERMINATED: 06/22/2009

Defendant

GREGORY BENOIT

In his individual and official capacity

TERMINATED: 06/22/2009