

**UNITED STATES DISTRICT COURT
District of Maine**

| | | |
|---------------------------------|---|------------------------|
| CRAIG A. BROWN, |) | |
| |) | |
| Plaintiff |) | |
| |) | |
| v. |) | 2:10-cv-523-GZS |
| |) | |
| MICHAEL FERRARA, et al., |) | |
| |) | |
| Defendants |) | |
| |) | |

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

The United States Magistrate Judge filed with the Court on April 28, 2011, her Recommended Decision (Docket No. 83). Plaintiff filed his Objection to the Recommended Decision (Docket No. 107) on May 16, 2011. Defendant Joseph W. Baiungo filed his Objection to Plaintiff's Objection to the Recommended Decision (Docket No. 110) on May 18, 2011.

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 of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

The Court notes the above-referenced Objection (Docket No. 110) asserts that the Plaintiff's Objection to the Recommended Decision was not timely filed. Under the Court's current Time Computation Guidelines effective December 1, 2009, an objection to a Report and Recommended Decision shall be filed within 14 days of the filing of a Report and Recommended Decision, **plus** an

additional three (3) days for mailing, for a total of seventeen (17) days. Therefore, the Court **FINDS** that Plaintiff's Objection to the Recommended Decision (Docket No. 107) was timely filed on May 16, 2011.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
2. It is hereby **ORDERED** that Defendant Joseph W. Baiungo's Motion for Summary Judgment (Doc. No. 26) is **GRANTED** and Plaintiff Craig Brown's Motion for Summary Judgment (Docket No. 53) is **DENIED**.
3. Judgment for Defendant Joseph W. Baiungo shall enter.

/s/George Z. Singal
U.S. District Judge

Dated this 7th day of June, 2011.

Plaintiff

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V.

Defendant

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