

**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. 82). Plaintiff filed his Objection to the Recommended Decision (Docket No. 106) on May 16, 2011. Defendants Town of Camden, Roberta Smith, Parker Laite, Sr., Parker Laite, Jr., Phil Roberts, Jeff Nims, Randy Gagne, Curt Andrick and Jason Hall filed their Objection to Plaintiff's Objection to the Recommended Decision (Docket No. 114) on May 19, 2011.

The Court notes the above-referenced Objection (Docket No. 114) 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. 106) was timely filed on May 16, 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.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
2. It is hereby **ORDERED** that Defendants' Motion to Dismiss (Docket No. 33) is **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. All federal claims against Defendants Town of Camden and Roberta Smith are **DISMISSED** with prejudice based upon res judicata principles, and all supplemental state law claims are **DISMISSED** without prejudice under 18 U.S.C. § 1367(a), (c)(4).
 - b. All claims, both federal and state against Defendants Andrick, Gagne, Laite, Jr. and Laite, Sr. are **DISMISSED** because all alleged conduct relating to them occurred outside of the six-year statute of limitations and because the conspiracy allegations concerning more recent conduct are implausible.
 - c. All claims, both federal and state, against Defendants Nims and Roberts that relate to conduct occurring in 2001-2002 and all federal RICO and § 1985 conspiracy theories are **DISMISSED** but the Motion is **DENIED IN PART** as to all remaining federal constitutional claims premised on individual liability and related state law claims.
 - d. All federal RICO and § 1985 conspiracy claims against Defendant Hall are **DISMISSED** but the Motion is **DENIED IN PART** as to all remaining federal constitutional claims premised on individual liability and related state law claims arising from the 2009 arrest and subsequent prosecution.

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

Dated this 7th day of June, 2011.

Plaintiff

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V.

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Defendant

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