

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

ANDREW P. FLOOD,)	
)	
Plaintiff,)	
)	
v.)	Docket no. 1:11-cv-00270-NT
)	
MAINE DEPARTMENT OF)	
CORRECTIONS, et al.)	
)	
Defendant,)	

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

On August 24, 2012, the United States Magistrate Judge filed with the court, with copies to counsel, his Report and Recommended Decision. On September 10, 2012, the Plaintiff was granted a 30-day extension of time to file an objection to the Recommended Decision. The time within which to file objections expired on October 10, 2012 and no objections have been filed. The Magistrate Judge notified the parties that failure to object would waive their right to de novo review and appeal.

It is therefore ORDERED that the Recommended Decision of the Magistrate Judge is hereby ADOPTED. It is further ORDERED that:

1. The Defendants' motions to dismiss the operative Amended Complaint (ECF Nos. 26, 41, and 83) for failure to state a claim with respect to any federal cause of action are GRANTED.

2. This Court DECLINES to exercise supplemental jurisdiction over the Plaintiff's state-law claim and those claims are hereby DISMISSED WITHOUT PREJUDICE.

3. The Plaintiff's motion for preliminary injunction (ECF No. 32), the State Defendants' objection to materials filed in support of that motion (ECF No. 74), and the Plaintiff's motion for discovery with respect to John and Jane Doe (ECF No. 89) are thus MOOTED.

SO ORDERED.

/s/ Nancy Torresen
United States District Judge

Dated this 2nd day of November, 2012.

Plaintiff

ANDREW P FLOOD

represented by **ANDREW P FLOOD**
34808
DOWNEAST CORRECTIONAL
FACILITY
64 BASE RD
MACHIASPORT, ME 04655
PRO SE

V.

Defendant

**MAINE DEPARTMENT OF
CORRECTIONS**

represented by **JAMES E. FORTIN**
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HEALTH AND HUMAN
SERVICES DIVISION
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ATTORNEY TO BE NOTICED

Defendant

JOSEPH PONTE

*Both in his Individual and Official
Capacity as Commissioner, Maine
Department of Corrections*

TERMINATED: 10/19/2011

Defendant

JOHN DOES

*Both in their Individual and Official
Capacities*

TERMINATED: 10/19/2011

Defendant

JANE DOES

*Both in their Individual and Official
Capacities*

TERMINATED: 10/19/2011

Defendant

**DEPT OF PROBATION AND
PAROLE**

TERMINATED: 10/19/2011

Defendant

WILLIAM LOVE

*Both in his Individual and Official
Capacity as a Probation Officer*

represented by **JAMES E. FORTIN**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

CHARLES O'ROAK

*Both in his Individual and Official
Capacity as a Probation Officer*

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Defendant

EASTPORT HEALTHCARE INC

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Defendant

ANN O'BRIEN
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Provider*

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ATTORNEY TO BE NOTICED*

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Defendant

KAREN BARBEE
*Both in her Individual and Official
Capacity as LCSW, LADC*

represented by **BERNARD J. KUBETZ**
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ATTORNEY TO BE NOTICED

EVAN J. ROTH
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ATTORNEY TO BE NOTICED

Defendant

TARI MURPHY

*Both in her Individual and Official
Capacity as DSAT Counselor*

represented by **BERNARD J. KUBETZ**
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ATTORNEY TO BE NOTICED

EVAN J. ROTH
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

JOHN DOE

*both in his individual and official
capacity*

Defendant

JANE DOE

*both in her individual and official
capacity*

V.

Notice Only Party

**MAINE ATTORNEY GENERAL -
PRISONER CASES**

Movant

UNITED STATES

represented by **EVAN J. ROTH**
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LEAD ATTORNEY
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