

UNITED STATES DISTRICT COURT
District of Maine

CARL BRETTON STOWE, JR.,)
)
 Plaintiff,)
)
 v.) Civil No. 02-116-B-W
)
SHERIFF, FRANKLIN COUNTY,)
et al.,)
)
 Defendants.)

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

The United States Magistrate Judge filed with the Court on July 23, 2003 her Recommended Decision. The Plaintiff filed his objections to the Recommended Decision on August 6, 2003 and the Defendants filed their response to those objections on August 25, 2003. 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. The Plaintiff waived his substantive due process claim by failing to raise the issue on a timely basis before the Magistrate Judge. See Paterson-Leitch Co., Inc. v.

Massachusetts Mun. Wholesale Elec. Co., 840 F.2d 985, 992 (1st Cir. 1988) (“[A]n unsuccessful party is not entitled as of right to de novo review by the judge of an argument never seasonably raised before the magistrate.”) Accordingly, I 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 further ORDERED that Defendants’ Motion to Dismiss is GRANTED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
United States District Judge

Dated: September 3, 2003

Plaintiff

CARL BRETTON STOWE, JR represented by **CARL BRETTON STOWE, JR**
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V.

Defendant

SHERIFF, FRANKLIN represented by **PETER T. MARCHESI**

COUNTY OF

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