

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

LARRY DEAN ROLLINS,)
)
Plaintiffs,)
)
v.) Civil No. 03-82-B-W
)
MARTIN A. MAGNUSSON, et al.,)
)
Defendants.)

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

The United States Magistrate Judge filed with the Court on August 5, 2004 her Recommended Decision. The Plaintiff filed his objections to the Recommended Decision on August 17, 2004 and the Defendants filed their objections to the Recommended Decision on August 19, 2004. 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 further ORDERED that the Motion for Summary Judgment (Docket #147) filed by the Prison Health Service Defendants including Prison Health Services, Inc., Celia Englander, Lucia Elder, Matthew Turner, Lana Savage, Suzanne Gunston, Rick Laliberty, Anne Leidinger, Pam Babb and also including Defendants Martin A. Magnusson, Jeffrey D. Merrill, Holly Howieson, Brian Castonguay, and Linda Provencher is GRANTED.¹

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of February, 2005.

Plaintiff

LARRY DEAN ROLLINS

represented by **LARRY DEAN ROLLINS**
MAINE STATE PRISON
807 CUSHING ROAD
WARREN, ME 04864
PRO SE

V.

¹ In its Order dated January 31, 2005 affirming the report and recommended decision dated August 5, 2004 (Docket #214), this Court overlooked footnote 1 in the Magistrate Judge's Order on Motion for Reconsideration dated August 30, 2004. This footnote reads:

These defendants correctly note that if the Court affirms my recommended decision, defendants Magnusson, Merrill, Howieson, Castonguay and Provencher, none of whom are correctional officers, will be granted summary judgment in connection with the complaint.

This footnote clarifies that the August 5, 2004 recommended decision on Defendants' Motion for Summary Judgment applied not just to the "PHS Defendants", but with equal force to the Defendants listed in footnote 1. This Amended Order, therefore, clarifies that in affirming the August 5, 2004 Recommended Decision, this Court is granting judgment in favor of each defendant listed above.

Defendant

MARTIN A MAGNUSSON

represented by **DIANE SLEEK**
ASSISTANT ATTORNEY
GENERAL
STATE HOUSE STATION 6
AUGUSTA, ME 04333-0006
626-8800
Email: diane.sleek@maine.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

JEFFREY D MERRILL

represented by **DIANE SLEEK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

LUCIA ELDER

represented by **JAMES E. FORTIN**
DOUGLAS, DENHAM,
BUCCINA & ERNST
103 EXCHANGE STREET
P.O. BOX 7108
PORTLAND, ME 4112-7108
207-774-1486
Email: jfortin@dougden.com
ATTORNEY TO BE NOTICED

Defendant

HOLLY HOWIESON

represented by **DIANE SLEEK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DR CELIA ENGLANDER

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

Defendant

MATTHEW TURNER

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

Defendant

LANA SAVAGE

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

Defendant

SUZANNE GUNSTON

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

Defendant

RICK LALIBERTY

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

DIANE SLEEK
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

ANNE LEIDINGER

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

Defendant

PAM BABB

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

Defendant

BRIAN CASTONGUAY

represented by **DIANE SLEEK**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

ANNE MARIE HALCO

Defendant

ERIC JURA

represented by **DIANE SLEEK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DALE EMERSON

represented by **DIANE SLEEK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

SAM WALTON

represented by **DIANE SLEEK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

NICHOLS, OFFICER

represented by **DIANE SLEEK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

BEAUPRE, OFFICER

represented by **DIANE SLEEK**
(See above for address)

ATTORNEY TO BE NOTICED

Defendant

ENGSTFELD, OFFICER

represented by **DIANE SLEEK**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

MARY DECOFF

represented by **JAMES E. FORTIN**
(See above for address)
TERMINATED: 10/20/2003
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

JOHN DOE ROGERS

represented by **DIANE SLEEK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

GARY SANDERSON

represented by **DIANE SLEEK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

LINDA PROVENCHER

represented by **DIANE SLEEK**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**PRISON HEALTH SERVICES,
INC**

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