

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

HAROLD A. TRACY, )  
)  
Plaintiff, )  
)  
v. ) Civil No. 04-201-B-W  
)  
ANDREW HAYWARD, et al., )  
)  
Defendants. )

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

The United States Magistrate Judge filed with the Court on February 24, 2005 her Recommended Decision. The Plaintiff filed his objections to the Recommended Decision on March 4, 2005 and the Defendants filed their response to those objections on March 11, 2005. 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 both Motions to Dismiss (Docket Nos. 7 and 9) be and hereby are GRANTED.

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

Dated this 23rd day of March, 2005.

**Plaintiff**

**HAROLD A. TRACY**

represented by **HAROLD A. TRACY**  
4 NORFOLK STREET  
BANGOR, ME 04401  
PRO SE

V.

**Defendant**

**ANDREW HAYWARD**

represented by **ROBERT J. PIAMPIANO**  
TROUBH, HEISLER &  
PIAMPIANO, P.A.  
511 CONGRESS STREET  
P. O. BOX 9711  
PORTLAND, ME 4104-5011  
207-780-6789  
Email: rpiampiano@thplaw.com  
*ATTORNEY TO BE NOTICED*

**Defendant**

**ALLAN A TOUBMAN**  
*Individually and in his official  
capacity as Chief Administrative  
Hearing Officer*

represented by **RONALD W. LUPTON**  
MAINE ATTORNEY  
GENERAL'S OFFICE  
STATE HOUSE STATION 6  
AUGUSTA, ME 04333  
207-626-8800  
Email: ronald.lupton@maine.gov  
*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Defendant**

**LINDA ROGERS-TOMER**  
*Individually and in her official  
capacity as an Administrative  
Hearing Officer*

represented by **RONALD W. LUPTON**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**JOHN B WLODKOWSKI**  
*Individually and in his official  
capacity as Commissioner of the  
Maine Unemployment Insurance  
Commission*

represented by **RONALD W. LUPTON**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**JAMES A HILLY**  
*Individually and in his official  
capacity as a commissioner of the  
Maine Unemployment Insurance  
Commission*

represented by **RONALD W. LUPTON**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**P VINCENT O'MALLEY**  
*Individually and in his official  
capacity as a commissioner of the  
Maine Unemployment Insurance  
Commission*

represented by **RONALD W. LUPTON**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**ANDREW M MEAD**  
*Individually and in his official  
capacity as a Justice of the  
Penobscot County Superior Court*

represented by **RONALD W. LUPTON**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**