

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

BARRY HIGGINS, )  
 )  
 Plaintiff, )  
 )  
 v. ) Civil No. 04-157-B-W  
 )  
 PENOBSCOT COUNTY SHERIFF'S )  
 DEPARTMENT, et al., )  
 )  
 Defendants. )

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

The United States Magistrate Judge filed with the Court on June 2, 2005 her Recommended Decision (Docket No. 38). The Plaintiff filed his objection to the Recommended Decision on June 9, 2005 and the Defendants filed their response to those objections on June 27, 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 (Docket No. 38) of the Magistrate Judge is hereby AFFIRMED.
2. It is further ORDERED that the Plaintiff's Motion for Partial Summary Judgment (Docket No. 14) is DENIED.

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

Dated this 15th day of August, 2005

**Plaintiff**

**BARRY HIGGINS**

represented by **CHARLES E. GILBERT, III**  
GILBERT & GREIF, P.A.  
82 COLUMBIA STREET  
P.O. BOX 2339  
BANGOR, ME 04402-2339  
947-2223  
Email: ceg@yourlawpartner.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**JULIE D. FARR**  
GILBERT & GREIF, P.A.  
82 COLUMBIA STREET  
P.O. BOX 2339  
BANGOR, ME 04402-2339  
947-2223  
Email: jdf@yourlawpartner.com  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**PENOBSCOT COUNTY  
SHERIFF'S DEPARTMENT**

represented by **CASSANDRA S. SHAFFER**  
WHEELER & AREY, P.A.  
27 TEMPLE STREET  
P. O. BOX 376  
WATERVILLE, ME 04901  
207-873-7771  
Email:  
cshaffer@wheelerlegal.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**PETER T. MARCHESI**  
WHEELER & AREY, P.A.  
27 TEMPLE STREET

P. O. BOX 376  
WATERVILLE, ME 04901  
873-7771  
Email: pbear@wheelerlegal.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**SHERIFF, PENOBSCOT  
COUNTY**

represented by **CASSANDRA S. SHAFFER**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**PETER T. MARCHESI**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**JOSHUA TIBBETTS**

represented by **CASSANDRA S. SHAFFER**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**PETER T. MARCHESI**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*