

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

MARGARET KATHLEEN NICKERSON-MALPHER,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 07-136-B-W
)	
JOHN BALDACCI, et al.,)	
)	
Defendants.)	

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

The United States Magistrate Judge filed with the Court on March 10, 2008 her Recommended Decision. The Plaintiff filed her objections to the Recommended Decision on March 24, 2008 and the Defendants filed their response to those objections on March 27, 2008. 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 Defendants' first Motion to Dismiss brought by Maine Governor John Baldacci, Attorney General Steven Rowe, District Court Judge John Romei, Assistant District Attorney Paul Cavanaugh, District Attorney Michael Povich, Justice of the Peace Daniel Lacasse, and Maine Superintendent of Agriculture Seth Bradstreet (Docket # 4) be and hereby is GRANTED.

3. It is further ORDERED that the Cross-Motion to Dismiss (Docket # 29) brought on behalf of all Defendants be and hereby is PARTIALLY GRANTED, dismissing the claims asserted in Plaintiff's action against all the Defendants in their official capacity because these official capacity claims are barred by the doctrine of sovereign immunity. This disposition leaves alive Plaintiff's claims against Norma Worley, Christine Fraser, and Christina Perry in their individual capacities.

SO ORDERED.

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

Dated this 27th day of March, 2008

Plaintiff

**MARGARET KATHLEEN
NICKERSON-MALPHER**
also known as
MARGOT MALPHER

represented by **MARGARET KATHLEEN
NICKERSON-MALPHER**
3700 SOUTH WESTPORT AVE
PMB 975
SIOUX FALLS, SD 57106
PRO SE

V.

Defendant

JOHN BALDACCI
As Individual
TERMINATED: 03/28/2008

represented by **WILLIAM R. FISHER**
ATTORNEY GENERAL'S
OFFICE
6 STATE HOUSE STATION
AUGUSTA, ME 04333-0006
626-8504
Fax: 287-3145
Email:
william.r.fisher@maine.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

STEVEN ROWE
As Individual

represented by **WILLIAM R. FISHER**
(See above for address)

TERMINATED: 02/27/2008

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

JOHN V ROMEI

As Individual

TERMINATED: 03/28/2008

represented by **WILLIAM R. FISHER**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

DANIEL L LACASSE

As Individual

TERMINATED: 03/28/2008

represented by **WILLIAM R. FISHER**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

MICHAEL E POVICH

As Individual

TERMINATED: 03/28/2008

represented by **WILLIAM R. FISHER**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

PAUL CAVANAUGH

As Individual

TERMINATED: 03/28/2008

represented by **WILLIAM R. FISHER**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

SETH BRADSTREET, III

As Individual

TERMINATED: 03/28/2008

represented by **WILLIAM R. FISHER**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

NORMA J WORLEY

As Individual

represented by **WILLIAM R. FISHER**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

CRISTENE FRASER

As Individual

TERMINATED: 02/27/2008

represented by **WILLIAM R. FISHER**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

CHRISTINA PERRY
As Individual

represented by **WILLIAM R. FISHER**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

JOHN DOE
As Individual

Defendant

JANE DOE
As Individual

Defendant

CHRISTINE FRASER
As Individual

represented by **WILLIAM R. FISHER**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

G STEVEN ROWE
TERMINATED: 03/28/2008

represented by **WILLIAM R. FISHER**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED