

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

RAYMOND LEAVITT,)
)
 Plaintiff,)
)
 v.) Civil No. 08-132-B-W
)
 CORRECTIONAL MEDICAL)
 SERVICES, INC., et al.,)
)
 Defendants.)

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

The United States Magistrate Judge filed with the Court on January 13, 2009 her Recommended Decision. Defendant Magnusson filed his objections to the Recommended Decision on February 2, 2009. 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 to Dismiss (Docket # 43) be and hereby is GRANTED and Defendant Magnusson is dismissed as an individual defendant in this case, although the official capacity claim under Title II of the ADA will remain and Magnusson will therefore remain as a named party.

SO ORDERED.

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

Dated this 24th day of February, 2009

Plaintiff

RAYMOND D LEAVITT

represented by **RAYMOND D LEAVITT**
20816
MAINE STATE PRISON
807 CUSHING RD
WARREN, ME 04864
PRO SE

V.

Defendant

**CORRECTIONAL MEDICAL
SERVICES INC**

represented by **CHRISTOPHER C. TAINTOR**
NORMAN, HANSON &
DETROY
415 CONGRESS STREET
P. O. BOX 4600 DTS
PORTLAND , ME 04112
774-7000
Email: ctaintor@nhdlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

YORK COUNTY JAIL
TERMINATED: 07/15/2008

Defendant

MAINE STATE PRISON
TERMINATED: 05/20/2008

Defendant

MD TODD TRITCH
*Individually and in his official
capacity as Medical Doctor*

represented by **CHRISTOPHER C. TAINTOR**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

MATTHEW TURNER
*Individually and in his official
capacity as Physicians Assistant*

represented by **CHRISTOPHER C. TAINTOR**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

EYDI WOODWARD
*Individually and in her official
capacity as Physicians Assistant*

represented by **CHRISTOPHER C. TAINTOR**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

MARTIN A MAGNUSSON
*Individually and in his official
capacity as Commissioner of the
ME DOC*

represented by **MARTHA J. HALLISEY-
SWIFT**
MAINE ATTORNEY
GENERAL'S OFFICE
STATE HOUSE STATION 6
AUGUSTA , ME 04333
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Swift@maine.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

JEFFREY MERRILL
*Individually and in his official
capacity as Warden of MSP*

represented by **MARTHA J. HALLISEY-
SWIFT**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

ROBERT COSTIGAN
*Individually and in his official
capacity as Prison Administrative
Coordinator of MSP*

represented by **MARTHA J. HALLISEY-
SWIFT**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

THERESA KESTALOOT
*Individually and in her official
capacity as Health Services
Administrator of MSP*

represented by **CHRISTOPHER C. TAINTOR**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

JONNA DINKEL

*Individually and in her official
capacity as RN at MSP*

Defendant

CHARLENE WATKINS

*Individually and in her official
capacity as Family Practitioner
Nurse*

represented by **CHRISTOPHER C. TAINTOR**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

AL CICHON

represented by **ELIZABETH G. KNOX PECK**
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