

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. Defendants Costigan and Merrill filed their 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 for Summary Judgment (Docket # 45) be and hereby is DENIED.

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  
207-626-8583  
Email: Martha.Hallisey-  
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*

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

*Nurse*

*ATTORNEY TO BE NOTICED*

**Defendant**

**AL CICHON**

represented by **ELIZABETH G. KNOX PECK**

**THOMPSON & BOWIE**

**3 CANAL PLAZA**

**P.O. BOX 4630**

**PORTLAND , ME 04112**

**774-2500**

**Email:**

**epeck@thompsonbowie.com**

***ATTORNEY TO BE NOTICED***

**PAUL C. CATSOS**

**THOMPSON & BOWIE**

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