

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

RICHARD HICKSON,)
)
 Plaintiff,)
)
 v.) CV-08-255-B-W
)
 DAVID BOWLER, *et. al.*,)
)
 Defendants.)

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

The United States Magistrate Judge filed with the Court on March 17, 2009 her Recommended Decision (Docket # 37). Defendant David Bowler filed his objections to the Recommended Decision on March 31, 2009 (Docket # 38) and the Plaintiff filed his response to those objections on April 29, 2009 (Docket # 44). The Court has reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record, and has made a *de novo* determination of all matters adjudicated by the Magistrate Judge's Recommended Decision. The Court concurs with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision.

1. It is therefore ORDERED that the Recommended Decision of the Magistrate Judge (Docket # 37) is hereby AFFIRMED;
2. It is further ORDERED that the Defendant David Bowler's Motion to Dismiss (Docket # 22) and Motion to Dismiss Amended Complaint (Docket # 30) be and hereby are GRANTED IN PART to the extent that Plaintiff's claims against Defendant David Bowler in his official capacity are hereby DISMISSED. On all other issues, Defendant David Bowler's motions are DENIED.

SO ORDERED.

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

Dated this 7th day of July, 2009

Plaintiff

RICHARD C HICKSON

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V.

Defendant

DAVID BOWLER

*Both in his official (official
capacity dismissed on 7/7/09) and
individual capacities*

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Defendant

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Defendant

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