

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

DANIEL O. RUFFIN,)
)
 Plaintiff,)
)
 v.) CV-09-87-B-W
)
 BRUCE BRANN, et al.)
)
 Defendants.)

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

On March 12, 2009, Daniel O. Ruffin, a Maine State Prison inmate, acting pro se filed a complaint against several Maine State Prison correctional officers alleging violations of his constitutional rights. (Docket # 1).¹ The Court dismissed five defendants on November 5, 2009. (Docket # 53). On November 23, 2009, the remaining two defendants moved for summary judgment. (Docket # 54). Mr. Ruffin failed to respond by the December 14, 2009 deadline, and on December 16, 2009, the Magistrate Judge filed her Recommended Decision recommending that the defendants' motion for summary judgment be granted because "there is no evidence in this record to suggest" that the officers acted "with deliberate indifference." *Recommended Decision* at 7 (Docket # 58) (*Rec. Dec. I*).

On December 29, 2009, Mr. Ruffin submitted a response with exhibits to the defendants' motion for summary judgment. (Docket # 60). After considering Mr. Ruffin's untimely response, on January 13, 2010, the United States Magistrate Judge filed with the Court her second Recommended Decision. *Recommended Decision* (Docket # 63) (*Rec. Dec. II*). The Magistrate Judge continues to recommend summary judgment for the defendants because there is

¹ Mr. Ruffin filed an amended complaint on October 5, 2009. (Docket # 45).

no evidence that the defendants acted with deliberate indifference or violated Mr. Ruffin's Eighth Amendment rights. *Rec. Dec. II* at 1. Mr. Ruffin has not objected to the January 13 Recommended Decision.

The Court has reviewed and considered the Magistrate Judge's Recommended Decisions, together with the entire record, and has made a *de novo* determination of all matters adjudicated by the Magistrate Judge's Recommended Decisions. For the reasons set forth in her Recommended Decisions dated December 16, 2009 and January 13, 2010, the Court adopts the Magistrate Judge's Recommended Decisions and grants the defendants' motion for summary judgment.

1. It is therefore ORDERED that the Recommended Decisions of the Magistrate Judge (Docket # 58 and Docket # 63) are hereby AFFIRMED.
2. It is further ORDERED that Defendants' Motion for Summary Judgment (Docket # 54) be and hereby is GRANTED, and the Complaint (Docket # 1) and its Amendments (Docket # 45) be and hereby are DISMISSED.

SO ORDERED.

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

Dated this 8th day of February, 2010

Plaintiff

DANIEL O RUFFIN

represented by **DANIEL O RUFFIN**
430
DOWNEAST CORRECTIONAL
FACILITY
64 BASE ROAD
MACHIASPORT, ME 04655
PRO SE

V.

Defendant

BRUCE BRANN

*In his individual and official capacity
as Sgt., Maine State Prison
TERMINATED: 11/05/2009*

represented by **GWENDOLYN D. THOMAS**
ASSISTANT ATTORNEY
GENERAL
STATE HOUSE STATION 6
AUGUSTA, ME 04333-0006
626-8800
Email: gwen.thomas@maine.gov
TERMINATED: 08/12/2009
ATTORNEY TO BE NOTICED

MARTHA J. HALLISEY-SWIFT
MAINE ATTORNEY GENERAL'S
OFFICE
SIX STATE HOUSE STATION
AUGUSTA, ME 04333-0006
207-626-8583
Email: Martha.Hallisey-
Swift@maine.gov
ATTORNEY TO BE NOTICED

Defendant

MARTIN MAGNUSSON

*In his individual and official capacity
as Commissioner, Maine State Prison
TERMINATED: 11/05/2009*

represented by **GWENDOLYN D. THOMAS**
(See above for address)
TERMINATED: 08/12/2009
ATTORNEY TO BE NOTICED

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

Defendant

JEFFREY MERRILL

*In his individual and official capacity
as Warden, Maine State Prison
TERMINATED: 11/05/2009*

represented by **GWENDOLYN D. THOMAS**
(See above for address)
TERMINATED: 08/12/2009
ATTORNEY TO BE NOTICED

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

Defendant

DWIGHT FOWLES

*In his individual and official capacity
as Deputy Warden, Maine State*

represented by **GWENDOLYN D. THOMAS**
(See above for address)
TERMINATED: 08/12/2009

Prison
TERMINATED: 11/05/2009

ATTORNEY TO BE NOTICED

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

Defendant

DAVID GEORGE
In his individual and official capacity
as Captain, Maine State Prison
(Official capacity claim dismissed per
Order #53)

represented by **GWENDOLYN D. THOMAS**
(See above for address)
TERMINATED: 08/12/2009
ATTORNEY TO BE NOTICED

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

Defendant

FREMONT ANDERSON
In his individual and official capacity
as Disciplinary Clerk, Maine State
Prison (Official capacity claim
dismissed per Order #53)

represented by **GWENDOLYN D. THOMAS**
(See above for address)
TERMINATED: 08/12/2009
ATTORNEY TO BE NOTICED

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

Defendant

R A PEASE
In his individual an official capacity
as a Grievance Review Officer,
Maine State Prison
TERMINATED: 11/05/2009

represented by **GWENDOLYN D. THOMAS**
(See above for address)
TERMINATED: 08/12/2009
ATTORNEY TO BE NOTICED

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