

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

TIMOTHY KILROY, Individually and on )  
behalf of KOK, KBK, EAK, KEG, )  
 )  
Plaintiff, )  
 )  
v. ) CV-09-324-B-W  
 )  
MAINE, STATE OF, et al., )  
 )  
Defendants. )

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

The United States Magistrate Judge filed with the Court on January 8, 2010 her Recommended Decision (Docket # 16). Plaintiff filed his objections to the Recommended Decision on January 25, 2010 (Docket # 17) and the Defendants filed their response to those objections on February 10, 2010 (Docket # 18). 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 # 16) is hereby AFFIRMED;
2. It is further ORDERED that Defendants' Motion to Dismiss (Docket # 10) be and hereby is GRANTED; and,
3. It is further ORDERED that the Plaintiff's Complaint (Docket # 1) be and hereby is DISMISSED with prejudice for failure to state a claim.

SO ORDERED.

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

Dated this 22nd day of February, 2010

**Plaintiff**

**TIMOTHY W KILROY**  
*Individually and on behalf of*  
*KOK, KBK, EAK, KEK*

represented by **TIMOTHY W KILROY**  
23 LONGMEADOW DRIVE  
BREWER, ME 04412  
PRO SE

V.

**Defendant**

**MAINE, STATE OF**

represented by **MELISSA REYNOLDS O'DEA**  
ASSISTANT ATTORNEY  
GENERAL  
STATE HOUSE STATION 6  
AUGUSTA, ME 04333-0006  
626-8800  
Fax: 287-3145  
Email: melissa.odea@maine.gov  
*ATTORNEY TO BE NOTICED*

**Defendant**

**BRENDA M HARVEY**  
*Individually and in her official*  
*capacity as Commissioner of*  
*Maine Department of Health and*  
*Human Services*

represented by **MELISSA REYNOLDS O'DEA**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**JANET T MILLS**  
*Individually and in her official*  
*capacity as Attorney General,*  
*State of Maine*

represented by **MELISSA REYNOLDS O'DEA**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Notice Only Party**

**MAINE ATTORNEY**

**GENERAL - NON PRISONER  
IFP CASES**