

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

BRUCE A GUSTAFSON, JR.,)
)
 Plaintiff)
)
v.) Civil No. 99-0076-B
)
RICHARD WYSE, et al.,)
)
 Defendants)

RECOMMENDED DECISION

This matter was filed on March 22, 1999 against six named Defendants. Two of the Defendants were voluntarily dismissed by Plaintiff prior to service of process upon them. The remaining four Defendants now move to dismiss the action for Plaintiff's failure to exhaust the administrative remedies available to him within the Department of Corrections.

Plaintiff has not responded to the Motion to Dismiss. In this District, a failure to object to a pending motion is construed as a waiver of objection. D. Me. R. 7(b). Accordingly, I hereby recommend Defendants' Motion to Dismiss be GRANTED without objection.

NOTICE

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) (1988) for which *de novo* review by the district court is sought, together with a supporting memorandum, within ten (10) days of being served with a copy thereof. A responsive memorandum shall be filed within ten (10) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to *de novo* review by the district court and to appeal the district court's order.

Eugene W. Beaulieu
United States Magistrate Judge

Dated on: September 9, 1999