

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

GENE GRAFFAM, IV,)
)
 PLAINTIFF)
)
v.)
)
TOWN OF HARPSWELL AND)
JOSHUA POTVIN,)
)
 DEFENDANTS)

CIVIL No. 01-296-P-H

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

On March 26, 2002, Magistrate Judge Cohen filed his Recommended Decision recommending that the defendant's motions to dismiss be granted. The plaintiff filed his objection on April 15, 2002; the defendants responded on April 24 and May 2, respectively. The matter was therefore ready for a ruling on the Recommended Decision and no further proceedings were necessary. Nevertheless, on May 23, 2002, the Clerk's Office notified the lawyers in the case that no action would be taken on pending matters "pending resolution of the disciplinary proceedings" that were then pending against the plaintiff's lawyer, Charles G. Williams.

On February 27, 2003, I issued an Order to Show Cause why the matter should not be reactivated on the Court's docket, the disciplinary matter not having

yet been resolved and the plaintiff not having obtained alternate counsel. One defendant has agreed that the matter can appropriately be reactivated; the other defendant has not responded. The plaintiff *pro se* states that he “would like to wait until Attorney Williams is back in practice and then continue on with my case.”

Because there is no need for any further lawyer involvement for me to rule on the pending Recommended Decision, I conclude that the matter should therefore be reactivated.

I have reviewed and considered the Recommended Decision, together with the entire record; I have made a *de novo* determination of all matters adjudicated by the Recommended Decision; and, over objection, I concur with the recommendations of the United States Magistrate Judge and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The defendants’ motions to dismiss are **GRANTED**.

If the plaintiff, Gene Graffam, wishes to appeal this decision to the United States Court of Appeals for the First Circuit, he should immediately obtain a lawyer licensed to practice before that Court. He is hereby notified that he must file his notice of appeal with the Clerk of the United States District Court within thirty (30) days. Failure to do so will result in his giving up his right to appeal.

The Clerk’s Office shall send a copy of this Order to the individual plaintiff.

So ORDERED.

DATED THIS 26TH DAY OF MARCH, 2003.

D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE