

[NOT FOR PUBLICATION—NOT TO BE CITED AS PRECEDENT]

# United States Court of Appeals For the First Circuit

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No. 01-2249

JAMES MARCELLO; OLIVIA MARCELLO,

Plaintiffs, Appellants,

v.

STATE OF MAINE,  
DEPARTMENT OF HUMAN SERVICES, ET AL.,

Defendants, Appellees.

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APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MAINE

[Hon. George Z. Singal, U.S. District Judge]

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Before

Selya, Circuit Judge,  
Campbell, Senior Circuit Judge,  
and Lynch, Circuit Judge.

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James C. Marcello and Olivia A. Marcello on brief pro se.  
G. Steven Rowe, Attorney General, and Andrew S. Hagler,  
Assistant Attorney General, on brief for appellees.

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March 18, 2002

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**Per Curiam.** We have reviewed the parties' briefs and the record on appeal. Whether reviewed de novo or for abuse of discretion, there was neither error of law nor abuse of discretion in the district court's August 22, 2001 judgment dismissing the complaint. We affirm essentially for the reasons stated in the magistrate judge's Recommended Decision of August 17, 2001.

Affirmed.