

[NOT FOR PUBLICATION—NOT TO BE CITED AS PRECEDENT]

# United States Court of Appeals For the First Circuit

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No. 01-2462

STATE OF MAINE,  
DEPARTMENT OF HUMAN SERVICES,

Plaintiff, Appellee,

v.

JAMES MARCELLO; OLIVIA MARCELLO,

Defendants, Appellants.

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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 appellee.

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March 19, 2002

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**Per Curiam.** We have reviewed the parties' briefs and the record on appeal. Upon our review, we conclude that the filings were correctly dismissed. We, therefore, affirm the district court's October 2, 2001 judgment of dismissal, essentially for the reasons stated in the magistrate judge's Recommended Decision of September 28, 2001.

The appellants' request for oral argument is denied.  
The judgment of dismissal is affirmed.