

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOSE RODRIGUEZ,

Plaintiff,

v.

9:13-CV-01106
(DNH/DEP)

DAVID A. ROCK; MICHAEL J. LIRA;
D. HAUG; TIMOTHY A. DEBYAH;
SEAN PATTERSON; LAWRENCE
W. LABARGE;

Defendants.

APPEARANCES:

OF COUNSEL:

JOSE RODRIGUEZ, 09-A-3150
Plaintiff, pro se
Elmira Correctional Facility
P.O. Box 500
Elmira, New York 14902

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of New York
Counsel for Defendants
The Capitol
Albany, NY 12224

CHRISTOPHER W. HALL, ESQ.

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Jose Rodriguez filed this action on September 9, 2013. On July 28, 2015, the Honorable David E. Peebles, United States Magistrate Judge, advised by Report-Recommendation that defendants' motion for summary judgment be granted in part and denied in part. No objections to the Report-Recommendation were filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Defendant's motion for summary judgment (ECF No. 43) is **GRANTED** in part and **DENIED** in part; as follows:

(a) Plaintiff's RLUIPA claim asserted against all defendants is dismissed;

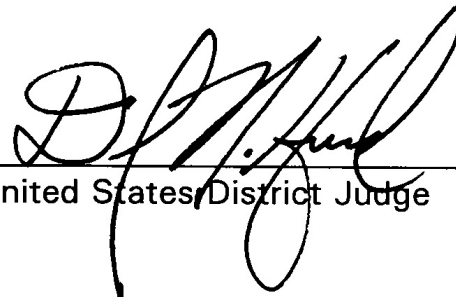
(b) Plaintiff's claims asserted against defendant Patterson are dismissed;

(c) Plaintiff's First Amendment claims asserted against defendants Lira, Haug and Rock are dismissed; and

(d) Defendant's motion with regards to Plaintiff's First Amendment claims asserted against defendants LaBarge and Debyah is denied and the matter shall set down for trial.

2. The Clerk serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.


United States District Judge

Dated: September 1, 2015
Utica, New York.