

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DIMAS CUADRADO,

Plaintiff,

v.

9:14-CV-1293  
(DNH/CFH)

BRUEAULT, Correction Officer, Coxsackie Correctional  
Facility,

Defendant.

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APPEARANCES:

DIMAS CUADRADO  
13-A-3993  
Plaintiff, pro se  
Great Meadow Correctional Facility  
Box 51  
Comstock, NY 12821

HON. ERIC T. SCHNEIDERMAN  
Attorney General for the State of New York  
Attorney for Defendant  
Litigation Bureau  
The Capitol  
Albany, NY 12224

RACHEL M. KISH, ESQ.  
Ass't Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Pro se plaintiff Dimas Cuadrado brought this civil rights action pursuant to 42 U.S.C. § 1983. On March 17, 2015, the Honorable Christian F. Hummel, United States Magistrate Judge, advised by Report-Recommendation that defendant's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) be granted. Plaintiff timely filed objections to the

Report-Recommendation.

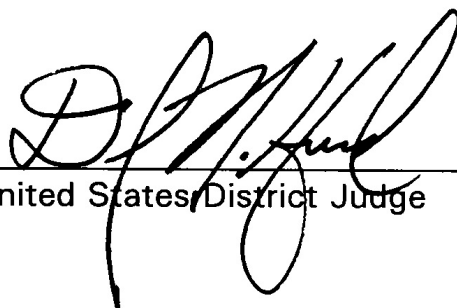
Based upon a de novo review of the portions of the Report-Recommendation to which plaintiff objected, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Defendant Brueault's motion to dismiss is GRANTED;
2. To the extent plaintiff asserts claims against defendant Brueault in his official capacity, those claims are DISMISSED WITH PREJUDICE;
3. All remaining claims are DISMISSED WITHOUT PREJUDICE based on plaintiff's failure to fully exhaust administrative remedies;
4. The Central Office Review Committee ("CORC") is directed to render a decision on plaintiff's pending grievance within thirty days of the date of this Decision and Order, that is, by May 8, 2015;
5. If plaintiff does not receive a decision from the CORC by May 8, 2015, administrative remedies may be deemed unavailable to him and he may therefore be excused from exhausting;
6. In the event plaintiff does not receive a decision from the CORC by May 8, 2015, he may refile this suit indicating such;
7. In the event plaintiff does receive a decision from the CORC by May 8, 2015, he may refile this suit indicating such; and
8. The Clerk is directed to serve a copy of this Decision and Order upon the parties in accordance with the Local Rules.

IT IS SO ORDERED.



United States District Judge

Dated: April 8, 2015  
Utica, New York.