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This memorandum is uncorrected and subject to revision before  
publication in the New York Reports.  
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No. 216 SSM 50  
Edward Koehl,  
Appellant,  
v.  
S. Mirza et al.,  
Respondents.

Submitted by appellant, pro se.  
Submitted by Robert M. Goldfarb, for respondents.

\* \* \* \* \*

On review of submissions pursuant to section 500.11 of the Rules,  
order modified, without costs, by reinstating plaintiff's claims  
under 42 USC § 1983 and remitting the case to Supreme Court,  
Clinton County, for further proceedings on those claims, and, as  
so modified, affirmed (see Haywood v Drown, 556 US \_\_\_\_, 129 S Ct  
2108 [2009], on remand 13 NY3d 760 [2009]). Chief Judge Lippman  
and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones  
concur.

Decided December 17, 2009