

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ISAN CONTANT,	:	
Plaintiff,	:	<u>ORDER ADOPTING</u>
	:	<u>REPORT AND</u>
-against-	:	<u>RECOMMENDATION</u>
	:	
CITY OF NEW YORK; POLICE OFFICER WILLIAM	:	09-CV-2851 (WFK)(LB)
WILSON; SERGEANT DESMOND MILLER;	:	
SEARGEANT EDWARD DEIGHAN; POLICE OFFICER	:	
LANG; POLICE OFFICER CHAPMAN; and THE	:	
PROPERTY CLERK OF THE NEW YORK CITY	:	
POLICE DEPARTMENT	:	
	:	
Defendants.	:	
	:	
-----X	:	

KUNTZ, United States District Judge

This Court has reviewed the Report and Recommendation of Magistrate Judge Lois Bloom, dated March 16, 2012, addressing the motion for summary judgment by Defendants City of New York, Sergeant Desmond Miller (“Sergeant Miller”), Police Officer William Wilson (“Officer Wilson”), Sergeant Edward Deighan (“Sergeant Deighan”), Police Officer Lang (“Officer Lang”), Police Officer Chapman (“Officer Chapman”), and the Property Clerk of the New York City Police Department (“Property Clerk”) (collectively the “Defendants”). No objections have been filed. This Court hereby adopts the Report and Recommendation in its entirety.


Defendants’ motion for summary judgment is GRANTED as to Plaintiff’s claims for conspiracy; any claims under State law; claims for malicious prosecution, and the right to a fair trial against Officers Lang, Deighan, and Miller; and claims against the Property Clerk. Defendants’ motion for summary judgment is DENIED as to Plaintiff’s due process claim

against all Defendants except the Property Clerk. Plaintiff's Fourteenth Amendment claims, as well as all his claims against Officer Wilson, should proceed. Plaintiff's motion to expedite ruling on summary judgment, dated March 6, 2012, is deemed moot in light of this Court's ruling.

SO ORDERED

Dated: Brooklyn, New York
April 9, 2012

s/WFK


HON. WILLIAM F. KUNTZ, II
United States District Judge