

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Earl Goodwine,

Plaintiff,

-against-

ORDER

Case No. 12-cv-3882 (TLM)

National RailRoad Passenger Corp., et al.,

Defendants

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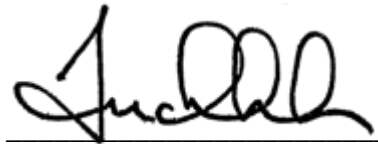
Defendants filed a Motion for Summary Judgment on all of pro se plaintiff Earl Goodwine’s claims against all defendants on September 4, 2013. [Rec. Doc. 146]. The undersigned referred the Motion to the Honorable James Orenstein, the United States Magistrate Judge assigned to this case, for Report and Recommendation on September 25, 2013. [Rec. Doc. 166]. On February 5, 2014, Judge Orenstein issued a thorough Report and Recommendation [Rec. Doc. 245], discussing the relevant facts, history of the proceeding, multiple claims asserted by plaintiff, and the applicable law. Judge Orenstein recommended denying defendants’ Motion (1) as to plaintiff’s claims against Defendants John Williams, Mark Hoyer, and Augustus Rivera under 42 U.S.C. § 1983 for false arrest and excessive force and (2) as to plaintiff’s request for compensatory damages for physical injuries he allegedly sustained. In all other respects, Judge Orenstein recommended granting defendants’ Motion and dismissing all of plaintiff’s remaining claims with prejudice.

The deadline for filing objections to the Magistrate Judge’s Report and Recommendation was February 24, 2014. [Rec. Doc. 245 at 24; Rec. Doc. 247]. Defendants filed their Objection on February 24, 2014. [Rec. Doc. 249]. The Court notes the absence of any objection from the plaintiff. After an independent review of the entirety of the record to specifically include the

Magistrate Judge's Report and Recommendation and defendants' objection thereto, the Court adopts the Report and Recommendation as its findings of fact and conclusions of law. It is therefore

ORDERED that defendants' Motion for Summary Judgment [Rec. Doc. 146] is DENIED (1) as to plaintiff's claims against Defendants John Williams, Mark Hoyer, and Augustus Rivera under 42 U.S.C. § 1983 for false arrest and excessive force and (2) as to plaintiff's request for compensatory damages for physical injuries allegedly suffered by plaintiff.¹ Defendants' Motion is GRANTED in all other respects and all other claims² are dismissed with prejudice.

SO ORDERED.



Tucker L. Melançon 1
United States District Judge

February 27, 2014
Brooklyn, NY

¹ Defendants moved for summary judgment on three types of compensatory damages sought by plaintiff: for alleged physical injuries, for the alleged loss of personal papers, and for alleged economic loss. Although not specifically addressed in defendants' Motion for Summary Judgment or the Report and Recommendation, the Court finds that plaintiff may also pursue compensatory damages for alleged emotional injuries.

² Judge Orenstein's Report and Recommendation sets out the majority of the multiple claims that have been made by plaintiff throughout the history of this proceeding. [Rec. Doc. 245 at 6-7]. Judge Orenstein discusses several of these claims in detail and notes that the majority of plaintiff's claims "are not cognizable legal claims," or are types of damages rather than claims. [Rec. Doc. 245 at 22]. The Court finds it unnecessary to recite all of these proposed claims once again.