

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ROBERT MANCUCCI

Plaintiff,

**1:17-cv-1255
(GLS/DJS)**

v.

KRISTOFER KINNEAR et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

ROBERT MANCUCCI
Plaintiff, *Pro Se*
17-A-0511
Franklin Correctional Facility
P.O. Box 10
Malone, New York 12953

Gary L. Sharpe
Senior District Judge

ORDER

The above-captioned matter comes to this court following a Report-Recommendation and Order by Magistrate Judge Daniel J. Stewart, duly filed on December 18, 2017. (Dkt. No. 7.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all

objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Report-Recommendation and Order for clear error, it is hereby

ORDERED that the Report-Recommendation and Order (Dkt. No. 7) is **ADOPTED** in its entirety; and it is further

ORDERED that plaintiff's eighth amendment deliberate medical indifference claim is **DISMISSED without prejudice**; and it is further

ORDERED that defendant Kinnear is **DISMISSED without prejudice** from this action; and it is further

ORDERED that plaintiff's eighth amendment excessive force claim is allowed to proceed against John Does Nos. 1-3; and it is further

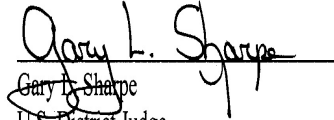
ORDERED that the U.S. Marshal serve a copy of the Complaint, the Report-Recommendation and Order, and a copy of this Order on Superintendent George P. Beach III of the New York State Police. The superintendent shall, to the extent possible, produce the information regarding the identities of the John Doe defendants to the court within thirty days of this Order. Once this information is provided, plaintiff's complaint shall be deemed amended to reflect the full names of the John Doe defendants identified, Summonses shall be issued and the court shall

direct service on those newly identified defendants; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties
in accordance with the Local Rules.

IT IS SO ORDERED.

January 23, 2018
Albany, New York


Gary L. Sharpe
U.S. District Judge