

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

RANDOLPH JONES,

Plaintiff,

v.

ONONDAGA COUNTY RESOURCE
RECOVERY AGENCY (OCRRA),

Defendant.

Civil Action No.
5:13-CV-1425 (DEP)

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

RANDOLPH JONES, *Pro Se*
253 Houston Avenue
Syracuse, NY 13224

FOR DEFENDANT:

HARRIS BEACH PLLC
333 West Washington Street
Suite 200
Syracuse, NY 13202

TED H. WILLIAMS, ESQ.

ORDER

Currently pending before the court in connection with this matter, which is before me on consent of the parties pursuant to 28 U.S.C. § 636(c), is a motion brought by the defendant seeking the entry of summary judgment dismissing plaintiff's claims, and additionally requesting dismissal of plaintiff's claim under 42 U.S.C. § 1983 for failure to state a

cause of action upon which relief may be granted. Dkt. No. 42. The plaintiff, who is proceeding *pro se*, has opposed defendant's motion. Dkt. No. 44.

Oral argument was conducted in connection with defendant's motion on April 1, 2015. At the close of argument, I issued an oral decision granting the motion and ordering dismissal of all of plaintiff's remaining claims. Based upon the parties' written and oral submissions and the court's bench decision, which is incorporated herein by reference, it is hereby

ORDERED, that defendant's motion (Dkt. No. 42) be and hereby is GRANTED, except as to defendant's application for an award of costs and attorney's fees pursuant to 42 U.S.C. §§ 1988 and § 2000e-5(k), which is DENIED; and it is further

ORDERED, that the clerk is respectfully directed to enter judgment in the case dismissing plaintiff's claims in this action, with prejudice, and closing the case.

A handwritten signature in black ink, appearing to read "David E. Peebles", is written over a horizontal line.

David E. Peebles
U.S. Magistrate Judge

Dated: April 2, 2015
Syracuse, NY