

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
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**Willie Morris, also known as Willie F. Morris,**

**Plaintiff,**

**-v-**

**5:16-CV-601 (NAM/TWD)**

**Jason Martin, Police Officer, sued in individual capacity; Jason Seward, Police Officer, sued in individual capacity; David Soares, District Attorney, sued in individual capacity; Steve Korkoff, Chief of Police, sued in individual and official capacity; City of Albany, sued in individual and official capacity; and County of Albany, sued in individual and official capacity,**

**Defendants.**

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APPEARANCES:

Willie Morris  
14-A-0894  
Upstate Correctional Facility  
P.O. Box 2001  
Malone, New York 12953  
Plaintiff, *pro se*

The Rehfuss Law Firm, P.C.  
Abigail W. Rehfuss, Esq., of counsel  
Stephen J. Rehfuss, Esq., of counsel  
40 British American Blvd.  
Latham, New York 12110  
Attorneys for Defendants

**Hon. Norman A. Mordue, Senior U.S. District Judge:**

**MEMORANDUM-DECISION AND ORDER**

On January 5, 2017, United States Magistrate Judge Thérèse Wiley Dancks issued an Order and Report-Recommendation (Dkt. No. 27) upon initial review of plaintiff's *pro se* amended complaint recommending that the amended complaint be dismissed with prejudice as

against District Attorney Soares and Albany County, and allowed to proceed against the remaining defendants. On January 20, 2017, plaintiff filed an objection (Dkt. No. 32). On February 21, 2017, defendants Jason Martin, Jason Seward, Steve Korkoff, and the City of Albany moved (Dkt. No. 34) for dismissal for failure to state a claim. This motion, however, is premature, inasmuch as the Court has not yet issued its decision accepting, rejecting, or modifying the Order and Report-Recommendation.

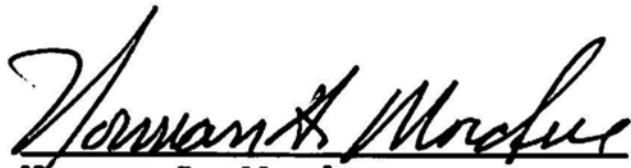
It is therefore

ORDERED that the motion (Dkt. No. 34) for dismissal by defendants Jason Martin, Jason Seward, Steve Korkoff, and the City of Albany is denied without prejudice to renewal after the Court issues its decision on the Order and Report-Recommendation; and it is further

ORDERED that the Clerk of the Court is directed to serve copies of this Memorandum-Decision and Order in accordance with the Local Rules of the Northern District of New York.

IT IS SO ORDERED.

Date: March 17, 2017  
Syracuse, New York

  
**Norman A. Mordue**  
**Senior U.S. District Judge**