

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KEITH HAYWOOD; TROY TODMAN,

Plaintiffs,

-against-

9:01-CV-0225
(LEK/DEP)

J. WOOD, Deputy Supt. of Security;
R. FAULKNER, Corrections Captain;
J. MILLER, Corrections Lieutenant;
G. SHEPLER, Corrections Sergeant,

Defendants.

ORDER

The Court of Appeals for the Second Circuit issued a Mandate, dated August 4, 2006, affirming in part and vacating and remanding in part this Court's prior judgment, and instructing the District Court to "consider, among any other relevant issues: whether Haywood's letters sufficiently informed Miller and Shepler of the conditions Haywood complained of, whether the defendants were sufficiently personally involved such that they may be held liable for their alleged failure to remedy the conditions, and whether Haywood has alleged sufficient facts to create a triable issue of fact as to whether the defendants acted with deliberate indifference." Mandate (Dkt. No. 49) at 3-4.

Upon review of the Mandate, this matter is referred back to the Honorable David E. Peebles, United States Magistrate Judge, for another Report-Recommendation addressing the remaining issues in this case as identified in the Second Circuit's Mandate.

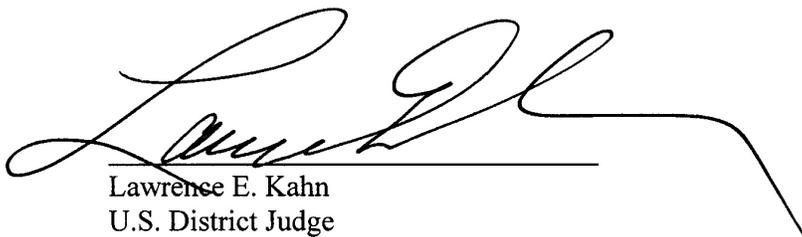
Based on the foregoing, it is hereby

ORDERED, that this matter is **REFERRED** to the Honorable David E. Peebles, United States Magistrate Judge, for a **REPORT-RECOMMENDATION** addressing the remaining issues in this case as identified in the Second Circuit's Mandate (Dkt. No. 49); and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties, along with a courtesy copy to Judge Peebles.

IT IS SO ORDERED.

DATED: August 11, 2006
Albany, New York



Lawrence E. Kahn
U.S. District Judge