UNITED STATES DISTRICT COU	JRT
NORTHERN DISTRICT OF NEW	YORK

DELTA L. EADY,

Plaintiff,

9:05-CV-0824

HARLEY G. LAPPIN, et al.,

v.

Defendants.

APPEARANCES:

OF COUNSEL:

DELTA L. EADY Plaintiff *pro se*

HON. ANDREW M. CUOMO

CHARLES E. ROBERTS, ESQ.

Attorney General for the State of New York

The Capitol

Albany, NY 12224

Counsel for Defendants

NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge George H. Lowe, duly filed on the 30th day of September 2009. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.

- 2. The Defendants' motion to dismiss or for summary judgment (Dkt. No. 79) is granted in part and denied in part. All of Plaintiff's claims are dismissed *except*: (1) the allegations against Defendant Stone in Paragraphs 155-59 of the complaint; (2) the allegations against Defendants Hays and Holts in Paragraphs 56-61 of the complaint; and (3) the allegation against Defendant Miller in Paragraph 242 of the complaint. Defendants are ordered to answer those claims.
- 3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: October 21, 2009 Syracuse, New York

Norman A. Mordue

Chief United States District Court Judge

Tormand Marker