

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

RAFAEL MESSA,

Plaintiff,

vs

9:07-CV-306

R.K. WOODS, Superintendent; J. HYDE,  
Corrections Sergeant; N. GUERIN, Corrections  
Officer; M. KEMP, Corrections Officer; K. EDDY,  
Corrections Officer; D. BUFFHAM, R.N.; and  
P. DABIEW, R.N., All of UpState Correctional  
Facility,

Defendant.

---

APPEARANCES:

OF COUNSEL:

RAFAEL MESSA  
Plaintiff, Pro Se  
99-A-1402  
Southport Correctional Facility  
PO Box 2000  
Pine City, NY 14871

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for Defendants  
Department of Law  
The Capitol  
Albany, New York 12224

ADELE M. TAYLOR-SCOTT, ESQ.  
Asst. Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff, Rafael Messa, brought this civil rights action in March 2007, pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated July 30, 2009, the Honorable David E. Peebles, United States Magistrate Judge, recommended that defendants' motion for partial

summary judgment (Docket No. 44) be granted, in part, and that all of plaintiff's claims against defendants Woods and Buffham be dismissed, but that defendants' motion otherwise be denied. The plaintiff has timely filed objections to the Report-Recommendation.

Based upon a de novo review of the portions of the Report-Recommendation to which the plaintiff has objected, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

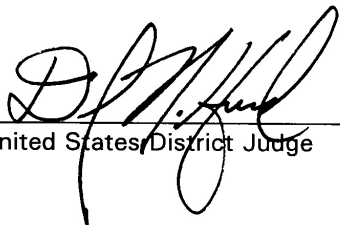
Accordingly, it is

ORDERED that

1. Defendants' motion for partial summary judgment (Doc. No. 44) is GRANTED, in part;
2. All of plaintiff's claims against defendants Woods and Buffham are DISMISSED;
3. Defendants' motion otherwise is DENIED; and
4. A trial date will be issued in due course.

IT IS SO ORDERED.

Dated: September 23, 2009  
Utica, New York.

  
United States District Judge