

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

.....

WAYNE FALCIGLIA,

Plaintiff,

- v -

9:07-CV-838

DR. WHALEN, DR. SILVERBERG, and DR.
THOMPSON, all of Great Meadow Correctional
Facility; DARWIN LaCLAIR, Superintendent,
Great Meadow Correctional Facility; LESTER
WRIGHT; STEVEN VanBUREN; DANIEL
STEWART; RICHARD ROY; and BRIAN
FISCHER, Commissioner,

Defendants.

.....

APPEARANCES:

OF COUNSEL:

WAYNE FALCIGLIA
05-B-2201
Green haven Correctional Facility
PO Box 4000
Stormville, NY 12582

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

JAMES SEAMAN, ESQ.
Assistant Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff, Wayne Falciglia, brought this civil rights action in August 2007, pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated March 22, 2010, the Honorable George H. Lowe, United States Magistrate Judge, recommended that defendants' motion for summary judgment (Dkt. No. 50) be granted in part and denied in part as follows:

(1) plaintiff's claims against defendants Roy, Fischer, Stewart, and LaClair should be dismissed for lack of personal involvement; and (2) in all other respects, defendants' motion should be denied.

Defendants Silverberg, Thompson, VanBuren, Whalen, and Wright have filed objections to the Report-Recommendation.

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

Accordingly, it is

ORDERED that defendants' motion for summary judgment is GRANTED in part and DENIED in part as follows:

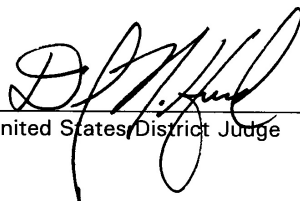
(a) Plaintiff's complaint against defendants Darwin LaClair, Daniel Stewart, Richard Roy, and Brian Fischer, is DISMISSED; and

(b) In all other respects, defendants' motion is DENIED.

The file is to be returned to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: June 15, 2010
Utica, New York.


United States District Judge