

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

TERRY CICIO,

Plaintiff,

v.

9:08-CV-534

**GRAHAM, PETER M. SIGONA,
RICHARD D. RUSTON, III, PHIL J.
MANNA, A. VEGA, and RYERSON,**

Defendants.

APPEARANCES:

OF COUNSEL:

TERRY CICIO
01-R-5455
Upstate Correctional Facility
P.O. Box 2001
Malone, NY 12953
Plaintiff, *Pro Se*

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

ADRIENNE J. KERWIN, ESQ.

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

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed on the 10th day of February 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. Defendants' motions to dismiss plaintiff's complaint for failure to state a cause of action upon which relief may be granted (Dkt. Nos. 9, 15, 22 and 28) are denied in their entireties.
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: March 3, 2009
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge