Desmarat v. Artus et al Doc. 36

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

JEAN MARC DESMARAT,

Plaintiff,

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9:08-CV-977

DALE ARTUS, Superintendent; LINDA TURNER, Deputy Superintendent/Program; MICHAEL R. VINCENT, Correction Officer; and JOHN DOE, APPU Inmate/Law Library Clerk, All of Clinton Correctional Facility,

Defendant.

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APPEARANCES: OF COUNSEL:

JEAN MARC DESMARAT 03-A-6318 Clinton Correctional Facility P.O. Box 2001 Dannemora, NY 12929

HON. ANDREW M. CUOMO
Attorney General of the
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Attorney for Defendants
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Albany, New York 12224

DAVID N. HURD United States District Judge CHRISTOPHER W. HALL,, ESQ. Asst. Attorney General

DECISION and ORDER

Plaintiff, Jean Marc Desmarat, brought this civil rights action in September 2008, pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated September 16, 2009, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended defendants'

motion (Docket No. 17) be denied, and that defendants be directed to file a response to plaintiff's complaint. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Treece, 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 summary judgment is DENIED;
- The Magistrate Judge's recommendation that defendants be directed to file a response to the plaintiff's complaint is most since an answer has been filed. (Docket No. 35).

United States District Judge

IT IS SO ORDERED.

Dated: September 30, 2009

Utica, New York.