

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RASZELL REEDER,

Plaintiff,

-v-

09-CV-575
(DNH/CFH)

D. HOLDRIDGE, Captain; MENARD, Sergeant;
BAKER, Sergeant; RONALD DURMONT,
Registered Nurse and Examiner; MOLLER,
Correctional Officer; TUCKER, Correctional
Officer; MARTIN, Correctional Officer; SHUTTS,
C.O.; GROM, C.O.; POUPORE, Correctional
Officer; BOULRICE, C.O.; MOSELEY, C.O.;
TRUDEAU, Correctional Officer; ALLEN,
Correctional Officer; GITTENS, Correctional
Officer; BESAW, Correctional Officer;
TETREAULT, C.O.; NUNEZ, Inspector General,

Defendants.

APPEARANCES:

OF COUNSEL:

RASZELL REEDER
Plaintiff Pro Se
94-A-6388
Upstate Correctional Facility
Post Office Box 2001
Malone, NY 12953

HON. ERIC T. SCHNEIDERMAN
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Albany, NY12224

ADRIENNE J. KERWIN, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff brought this civil rights action pursuant to 42 U.S.C. § 1983. On September 5, 2012, the Honorable Christian F. Hummel, United States Magistrate Judge, advised, by Report-Recommendation, that defendants' motion for summary judgment be denied as to plaintiff's claims of excessive force against defendants Menard, Martin, Shutts, and Tucker, and granted as to all other claims and all other moving defendants and that the complaint be dismissed with prejudice as to those defendants. Plaintiff timely filed objections to the Report-Recommendation.

Based upon a de novo review, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

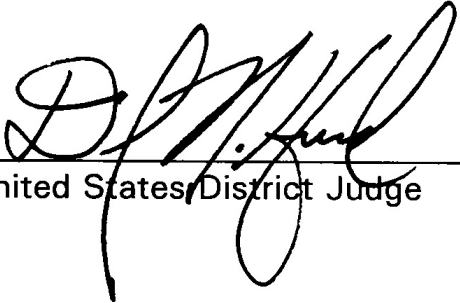
Therefore, it is

ORDERED that

1. Defendants' motion for summary judgment is DENIED in part and GRANTED in part;
2. Defendants' motion for summary judgment is DENIED as to plaintiff's claims of excessive force against defendants Menard, Martin, Shutts, and Tucker;
3. Defendants' motion for summary judgment is GRANTED as to all other claims and all other moving defendants; and

4. The complaint is DISMISSED with prejudice as to defendants D. Holdridge, Baker, Ronald Durmont, Moller, Grom, Poupore, Boulrice, Moseley, Trudeau, Allen, Gittens, Besaw, Tetreault, and Nunez.

IT IS SO ORDERED.



United States District Judge

Dated: October 15, 2012
Utica, New York.