UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
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COREY FORD,

Plaintiff,

vs 9:09-CV-723

BRIAN FISCHER, Commissioner, DOCS; JOSEPH T. SMITH, Superintendent/lst Deputy Superintendent; JOHN MALY, Deputy Superintendent of Security; MS. PARISI, Head Mail Clerk of Correspondence Program, all of Shawangunk Correctional Facility; and ERIC GUTWEIN, Commissioner, Hearing Officer, a/k/a Eric Wisegut,

Defendants.

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APPEARANCES: OF COUNSEL;

COREY FORD
Plaintiff, Pro Se
95-A-8605
Shawangunk Correctional Facility
PO Box 700
Wallkill, NY 12584

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BRIAN J. O'"DONNELL, ESQ.
Asst. Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff, Corey Ford, commenced this civil rights action in June 2009, pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated January 31, 2011, the Honorable Andrew T. Baxter, United States Magistrate Judge, recommended that the defendants'

motion to dismiss (Docket No. 32) be denied with respect to the First Amendment claim against defendant Maly and Smith relating to the continuation of the mail watch against plaintiff in 2008 and 2009, and the First Amendment claim against defendant Smith relating to his refusal to permit plaintiff to marry; and that defendants' motion be granted and plaintiff's second amended complaint be dismissed with respect to all other defendants and claims. The plaintiff has filed objections to the report-recommendation.

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

Accordingly, it is

ORDERED that

1. The defendants' motion to dismiss (Docket No. 32) is DENIED with respect to the First Amendment claim against defendants John Maly and Joseph T. Smith relating to the continuation of the mail watch against plaintiff in 2008 and 2009;

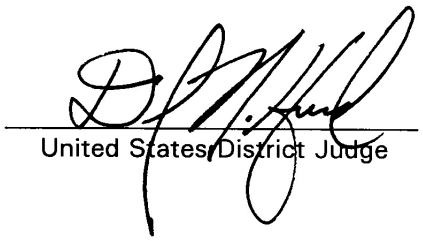
2. The defendants' motion to dismiss is DENIED with respect to the First Amendment claim against defendant Joseph T. Smith relating to his refusal to permit plaintiff to marry;

3. Defendants' motion is GRANTED with respect to all other defendants and claims;

4. Plaintiff's second amended complaint is DISMISSED with respect to all other defendants and claims;

5. The Clerk is directed to return the file to the Magistrate Judge for further scheduling and/or pretrial procedures regarding the remaining claims.

IT IS SO ORDERED.



United States District Judge

Dated: March 9, 2011
Utica, New York.