

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

GARY GILLARD,

Plaintiff,

-v-

9:09-CV-860 (NAM/TWD)

MICHAEL ROVELLI, et al.,

Defendants.

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APPEARANCES:

Gary Gillard
01-A-1613
Southport Correctional Facility
P.O. Box 2000
Pine City, New York 14871
Plaintiff, *pro se*

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Hon. Eric T. Schneiderman, Attorney General of the State of New York
Roger W. Kinsey, Esq., Assistant Attorney General
Office of the New York State Attorney General
The Capitol
Albany, New York 12224
Attorney for Defendants

Hon. Norman A. Mordue, U.S. District Judge:

MEMORANDUM-DECISION AND ORDER

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In this prisoner civil rights action pursuant to 42 U.S.C. § 1983, plaintiff moves for summary judgment against defendant Eric Perez and other relief (Dkt. Nos. 95, 105, 107, and 120). United States Magistrate Judge George H. Lowe¹ has issued a Report and Recommendation and Order (Dkt. No. 122) recommending that plaintiff's motion for summary judgment (Dkt. No. 95) against Perez be denied. Magistrate Judge Lowe further denied plaintiff's requests (Dkt. Nos.

¹ On February 10, 2012, the case was reassigned to United States Magistrate Judge Therese Wiley Dancks, due to Magistrate Judge Lowe's retirement.

105, 107, and 120). Plaintiff has filed an “Appeal and Objection to Report - Recommendation and Order” (Dkt. No. 125).

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court reviews *de novo* those parts of a report and recommendation to which a party specifically objects. Upon such review, the Court finds that material questions of fact bar summary judgment against Perez. Plaintiff’s motion for summary judgment (Dkt. No. 95) is denied. To the extent that plaintiff’s submission may be read as appealing from Magistrate Judge Lowe’s orders regarding Dkt. Nos. 105, 107, and 120, the orders are affirmed on the ground that they are proper and correct in all respects.

It is therefore

ORDERED that the Report and Recommendation and Order (Dkt. No. 122) is accepted; and it is further

ORDERED that plaintiff’s motion (Dkt. No. 95) for summary judgment against defendant Eric Perez is denied; and it is further

ORDERED that the orders regarding Dkt. Nos. 105, 107, and 120 are affirmed; and it is further

ORDERED that the Clerk of the Court is directed to serve copies of this Memorandum-Decision and Order in accordance with the Local Rules of the Northern District of New York.

IT IS SO ORDERED.

Date: March 20, 2012
Syracuse, New York


Honorable Norman A. Mordue
U.S. District Judge