

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LUIS CABAN,

Plaintiff,

-v-

9:09-CV-01227

KIETH HENDRY, Correction Sergeant;
WILLIAM KLINE, Correction Sergeant;
D. WINCHIP, Correction Sergeant; and
JAMES PATCH, Correction Officer,

Defendants.

APPEARANCES:

OF COUNSEL:

LUIS CABAN, pro se
05-A-0833
Wende Correctional Facility
P.O. Box 1187
Alden, NY 14004

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of New York
Attorney for Defendants
The Capitol
Albany, NY 12224

DOUGLAS J. GOGLIA, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

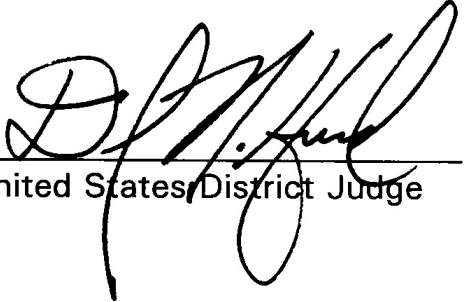
Plaintiff brought this civil rights action pursuant to 42 U.S.C. § 1983. On June 2, 2011, the Honorable George H. Lowe, United States Magistrate Judge, advised, by Report-Recommendation, that defendants' motion for judgment on the pleadings pursuant to Federal

Rule of Civil Procedure 12(c) be denied. No objections to the Report-Recommendation were filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. 636(b)(1). Accordingly, it is

ORDERED that defendants' motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c) is DENIED.

IT IS SO ORDERED.



United States District Judge

Dated: June 29, 2011
Utica, New York.