

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DERRICK BROOKS,

Plaintiff,

v.

**9:12-CV-624
(NAM/CFH)**

**RYAN P. BRENNAN, Secure Care Treatment
Aide, CNYPC; CHRISTOPHER D. SMITH,
Secure Care Treatment Aide, CNYPC;
LAURA SMITH-CREASER, R.N., Ward
Nurse/Supervisor for Ward 605,
CNYPC; and BRETT DAVIS, Secure Care
Treatment Aide, CNYPC,**

Defendants.

APPEARANCES:

OF COUNSEL:

DERRICK BROOKS
#172542
Central New York Psychiatric Center
P.O. Box 300
Marcy, New York 13403
Plaintiff, *pro se*

HON. ERIC T. SCHNEIDERMAN
Attorney General for the
State of New York
The Capitol
Albany, New York 12224-0341
Attorney for Defendants Ryan Brennan,
Christopher D. Smith, Laura Smith-Creaser

CATHY Y. SHEEHAN, ESQ.
Assistant Attorney General

ARMOND J. FESTINE, ESQ.
258 Genesee Street, Suite 603
Utica, New York 13502
Attorney for Defendant Brett Davis

NORMAN A. MORDUE, SENIOR U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Christian F. Hummel, duly filed on the 17th day of November 2014. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

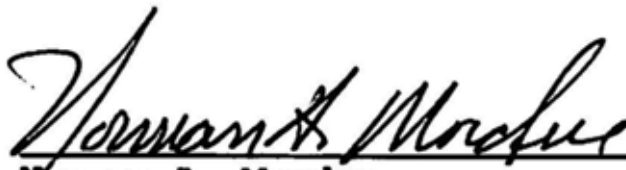
After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. Defendants' Brennan, Smith and Smith-Creaser's motion for summary judgment (Dkt. No. 41) is denied and defendant Davis's motion for summary judgment (Dkt. No. 39) is denied.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: December 9, 2014
Syracuse, New York


Norman A. Mordue
Senior U.S. District Judge