

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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RODNEY KEITH JAMES,

9:13-CV-526  
(DNH/CFH)

Plaintiff,

-v-

DR. RICHARD KASKIW, Medical Specialist,  
Marcy Psy. Center Facility; CANDICE WILBER,  
Nurse Practitioner, Marcy Psy. Center Facility;  
and MS. ELIZABETH FARNUM, Psychiatrist,  
Marcy Psy. Center Facility,

Defendants.

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APPEARANCES:

OF COUNSEL:

RODNEY KEITH JAMES  
Plaintiff Pro Se  
C-46388  
CNY PC  
Post Office Box 300  
Marcy, NY 13403

HON. ERIC T. SCHNEIDERMAN  
New York State Attorney General  
Attorney for Defendants  
615 Erie Boulevard West, Suite 102  
Syracuse, NY 13204

TIMOTHY P. MULVEY, ESQ.  
Ass't Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Pro se plaintiff Rodney Keith James brought this action pursuant to 42 U.S.C.

§ 1983. On July 9, 2014, the Honorable Christian F. Hummel, United States Magistrate

Judge, advised by Report-Recommendation that defendants' motion to dismiss for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6) be denied. Defendants timely filed objections to the Report-Recommendation.

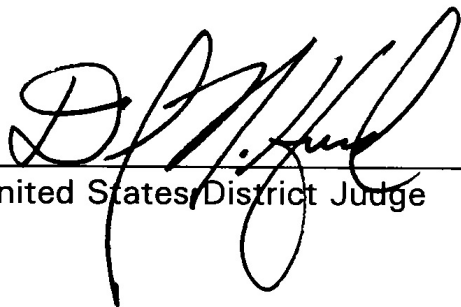
Based upon a de novo review of the portions of the Report-Recommendation to which defendants objected, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Defendants' motion to dismiss for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6) is DENIED;
2. Defendants are directed to respond to the complaint in the manner provided for by the Federal Rules of Civil Procedure; and
3. The Clerk is directed to serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

  
United States District Judge

Dated: August 5, 2014  
Utica, New York.