

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHARLES W. GERENA,

Plaintiff,

-v-

No. 9:13-CV-953
(DNH/ATB)

NICK PEZDEK, DOCCS employee; WARREN
MASON, DOCCS employee; JOHN DOES,
Utica Police Department, "Operation Impact
Detail"; and JOHN DOES, DOCCS employees,

Defendants.

APPEARANCES:

OF COUNSEL:

CHARLES W. GERENA
Plaintiff pro se
64555
CNY PC
P.O. Box 300
Marcy, NY 13403

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of New York
Attorney for Defendants Pezdek and Mason
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 Charles W. Gerena brought this civil rights action pursuant to 42 U.S.C. § 1983. On January 15, 2015, the Honorable Andrew T. Baxter, United States Magistrate Judge, advised by Report-Recommendation that defendants Pezdek and Mason's converted

motion for summary judgment be denied. Plaintiff timely filed objections to part of the Report-Recommendation.

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

Therefore, it is

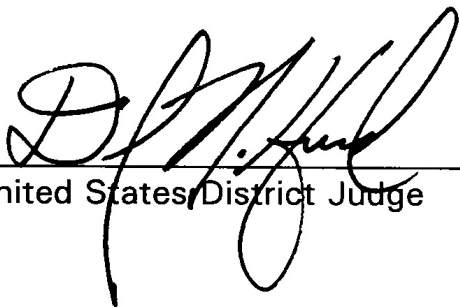
ORDERED that

1. Defendants Pezdek and Mason's converted motion for summary judgment is DENIED; and

2. 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.

Dated: February 6, 2015
Utica, New York.



United States District Judge