

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ERIC CASEY,

Plaintiff,

-v-

9:13-CV-1271
(DNH/TWD)

M. BROCKLEY, Correctional Officer, Great Meadow Correctional Facility; H. COLVIN, Correctional Officer, Great Meadow Correctional Facility; A. MAYO, Correctional Officer, Great Meadow Correctional Facility; C. GOODRICH, Correctional Officer, Great Meadow Correctional Facility; WANNINGER, Correctional Officer, Great Meadow Correctional Facility; H. CLAPPER, Registered Nurse, Great Meadow Correctional Facility; T. HERMANCE, Registered Nurse, Great Meadow Correctional Facility; BOYCE, Registered Nurse, Great Meadow Correctional Facility; and S. RACETTE, Superintendent, Great Meadow Correctional Facility,

Defendants.

APPEARANCES:

ERIC CASEY
Plaintiff pro se
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New York, NY 10037

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

BRIAN W. MATULA, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Eric Casey brought this civil rights action pursuant to 42 U.S.C. § 1983. On February 16, 2018, the Honorable Therese Wiley Dancks, United States Magistrate Judge, advised by Report-Recommendation that defendants' motion for summary judgment be granted in part and denied in part. Magistrate Judge Dancks recommended that summary judgment be granted as to defendants Racette, Clapper, Boyce, and Hermance and those defendants dismissed and denied as to defendants Brockley, Colvin, Mayo, Goodrich, and Wanniger. Plaintiff filed timely objections to the Report-Recommendation.

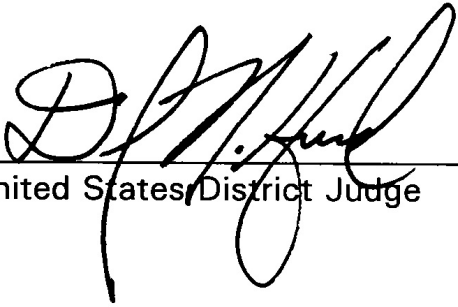
Based upon a de novo review of the portions of the Report-Recommendation to which plaintiff objected, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Defendants' motion for summary judgment is GRANTED in part and plaintiff's complaint is DISMISSED as against defendants Racette, Clapper, Boyce, and Hermance;
2. Defendants' motion for summary judgment is DENIED as to defendants Brockley, Colvin, Mayo, Goodrich, and Wanniger and those claims remain; and
3. Trial on the remaining claims is scheduled for August 13, 2018, in Utica, New York.

IT IS SO ORDERED.



United States District Judge

Dated: March 19, 2018
Utica, New York.