UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

SEAN R. MILLER,

Plaintiff,

No. 9:13-CV-1405 (DNH/ATB)

-V-

MICHELLE WINCHELLE, Registered Nurse, Washington County Jail / Hudson Headwaters Health Center; and WADE H. RODENMAYER, RPA-C ECC, Glens Falls Hospital Emergency Room,

Defendants.

APPEARANCES:

OF COUNSEL:

SEAN R. MILLER Plaintiff Pro Se 26 McDonalds Street Apt B

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DAVID N. HURD

United States District Judge

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DECISION and ORDER

Pro se plaintiff Sean R. Miller brought this civil rights action pursuant to 42 U.S.C.

§ 1983. On December 18, 2014, the Honorable Andrew T. Baxter, United States Magistrate

Judge, advised by Report-Recommendation that defendant Winchelle's motion to dismiss

pursuant to Federal Rule of Civil Procedure 12(b)(6) 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).

Therefore, it is

ORDERED that

1. Defendant Michelle Winchelle's motion to dismiss is DENIED:

2. Defendant Michelle Winchelle or her counsel is directed to file an answer to the

complaint on or before January 26, 2015; and

3. The Clerk serve a copy of this Decision and Order on plaintiff.

IT IS SO ORDERED.

United States District

Dated: January 14, 2015

Utica, New York.

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