

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

MICHAEL SHOULTS, JR.,

Plaintiff,

**9:14-cv-1184
(GLS/DJS)**

v.

MD PANG L. KOOI et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

MICHAEL SHOULTS, JR.

Pro Se

11-B-1527

Cayuga Correctional Facility

P.O. Box 1186

Moravia, N.Y. 13118

FOR THE DEFENDANTS:

HON. ERIC T. SCHNEIDERMAN

New York State Attorney General

The Capitol

Albany, New York 12224

DENISE P. BUCKLEY

Assistant Attorney General

Gary L. Sharpe

Senior District Judge

ORDER

The above-captioned matter comes to this court following a Report-Recommendation and Order by Magistrate Judge Daniel J. Stewart, duly

filed on January 28, 2016. (Dkt. No. 18.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Report-Recommendation and Order for clear error, it is hereby

ORDERED that the Report-Recommendation and Order (Dkt. No. 18) is **ADOPTED** in its entirety; and it is further

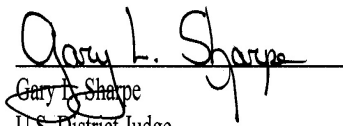
ORDERED that the defendants' motion to dismiss (Dkt. No. 12) based upon Plaintiff's failure to exhaust available administrative remedies prior to bringing this action is **DENIED** without prejudice and with leave to renew at a later date upon a fuller record; and it is further

ORDERED that defendants shall file an answer to the complaint as permitted under the Federal Laws of Civil Procedure; and it is further

ORDERED that the clerk of the court serve a copy of this order upon the parties in accordance with this court's Local Rules.

IT IS SO ORDERED.

February 23, 2016
Albany, New York


Gary L. Sharpe
U.S. District Judge