

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RAHEEM FORD,

Plaintiff,

-v-

9:14-CV-01566
(DNH/DEP)

DANIEL MARTUSCELLO, JR., CAPTAIN
SHANLEY, ERIC GUTWEIN, C.O. SEAN
KING, D. WILLIAMS, C.O. F. COWAN, C.O.
BELLAWA, LECLAIR,

Defendants.

APPEARANCES:

OF COUNSEL:

RAHEEM FORD

Plaintiff pro se

No. 98-A-3051

Fishkill Correctional Facility

P.O. Box 1245

Beacon, NY 12508

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RYAN E. MANLEY, ESQ.

Assistant Attorney General

DAVID N. HURD

United States District Judge

DECISION and ORDER

Pro se plaintiff Raheem Ford brought this civil rights action pursuant to 42 U.S.C. § 1983. On June 23, 2016, the Honorable David E. Peebles, United States Magistrate Judge, advised by Report-Recommendation that defendants King, Williams and Cowan's motion to

dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) be denied. See ECF No. 52. No objections have been received.

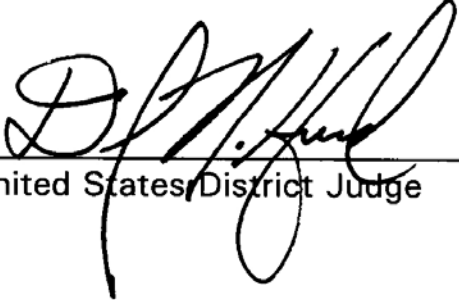
Based upon a de novo review of the Report-Recommendation, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is ORDERED that:

1. Defendants King, Williams and Cowan's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) (ECF No. 31) is **DENIED**; and

2. The Clerk 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: September 22, 2016
Utica, New York