

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JEAN BERNIER, *also known as*, CHARLES
WATSON,

Plaintiff,

-v-

9:17-CV-254
(DNH/ATB)

KOENIGSMANN, Chief Medical Officer;
SUPERINTENDENT STALLONE, Deputy Supt.
Jones; ROBINSON, First Deputy
Superintendent; CORYER, Nurse Administrator;
SHU SARGEANT DONNELLY; HEARING
OFFICER SCHENK; HEARING OFFICER LT.
MORGAN; HEARING OFFICER CAPT CHAPIN;
NURSE PRACTITIONER O'CONNOR-
RYERSON; NURSE PRACTITIONER
JEAVONS; NURSE BOYD; SHU PROPERTY
OFFICER GILFUS; HESSE, Law Library Officer;
SHARON ASHLEY, R.N.; SUPERINTENDENT
WENDERLICH; ASDA GARDNER; FHSD
CANFIELD; DINELLO, Regional Medical
Director; and DR. MUELLER,

Defendants.

APPEARANCES:

OF COUNSEL:

JEAN BERNIER *also known as*
CHARLES WATSON

Plaintiff pro se
29463-054
Butner Federal Medical Center
Inmate Mail/Parcels
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KYLE W. STURGESS, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Jean Bernier *also known as* Charles Watson brought this civil rights action pursuant to 42 U.S.C. § 1983. On November 22, 2017, the Honorable Andrew T. Baxter, United States Magistrate Judge, advised by Report-Recommendation that defendants' motion to revoke plaintiff's IFP status be denied and that defendants' motion to dismiss be granted in part and denied in part. Magistrate Judge Baxter recommended that defendants' motion to dismiss be granted as to the claims against defendants Stallone, Schenk, Morgan, and Chapin and all claims against those defendants be dismissed with prejudice and that defendants' motion be denied in all other respects. No objections to the Report-Recommendation were filed.

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

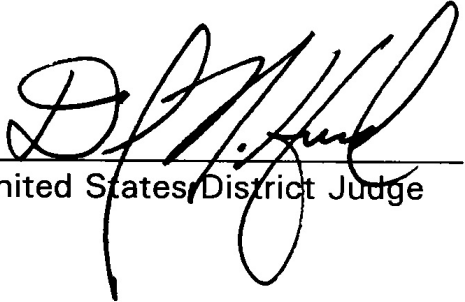
Therefore, it is

ORDERED that

1. Defendants' motion to revoke plaintiff's IFP status is DENIED;
2. Defendants' motion to dismiss is GRANTED in part and DENIED in part;
3. Defendants' motion to dismiss is GRANTED as to the claims against defendants Stallone, Schenk, Morgan, and Chapin and all claims against those defendants are DISMISSED with prejudice; and
4. Defendants' motion to dismiss is DENIED in all other respects.

IT IS SO ORDERED.

Dated: March 15, 2018
Utica, New York.



United States District Judge