

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

TRAVIS J. LANG,

Plaintiff,

vs.

**9:18-CV-506
(TJM/DEP)**

LISA ZUREK, et al.,

Defendants.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

The Court referred this 42 U.S.C. § 1983 case, which alleges violations of Plaintiff's constitutional rights during his incarceration, to the Hon. David E. Peebles, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). The October 17, 2018, Report-Recommendation, dkt. # 29, recommends that the Court grant in part and deny in part Defendants' motion to dismiss.

No party objected to the Report-Recommendation, and the time for such objections has passed. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice and the Court will accept and adopt the Report-Recommendation..

Accordingly,

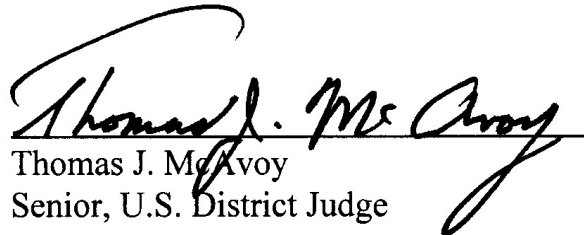
The Report-Recommendation of Magistrate Judge Peebles, dkt. # 29, is hereby

ACCEPTED and **ADOPTED**. Defendants' motion to dismiss, dkt. # 18, is hereby
GRANTED IN PART and **DENIED IN PART**, as follows:

1. The motion is GRANTED with respect to Plaintiff's excessive force claims brought pursuant to the Fourth Amendment;
2. The motion is GRANTED with respect to all claims brought against the County of Oneida; and
3. The motion is DENIED in all other respects.

IT IS SO ORDERED.

Dated: November 20, 2018


Thomas J. McAvoy
Senior, U.S. District Judge