

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RENDELL ROBINSON,

Plaintiff,

-v-

9:18-CV-1232
(DNH/ML)

JOHN SLAVEN, Correctional Sergeant,
Coxsackie Correctional Facility, formerly known
as Shaven; MICHAEL MUSSEN, JR.,
Correction Officer, Clinton Correctional Facility,
formerly known as M. Muggen; and DAVID
GUMLAW, Correctional Officer, Clinton
Correctional Facility, formerly known as D.
Gumlaw,

Defendants.

APPEARANCES:

RENDELL ROBINSON
Plaintiff, Pro Se
Fort Washington Men's Shelter
651 W. 168th Street
New York, NY 10032

HON. LETITIA JAMES
Attorney General for the State of New York
Attorney for Defendants
The Capitol
Albany, NY 12224

KONSTANDINOS D. LERIS, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Rendell Robinson brought this civil rights action pursuant to 42 U.S.C. § 1983. On November 12, 2019, the Honorable Miroslav Lovric, United States Magistrate Judge, advised by Report and Recommendation that defendant Slaven's motion to dismiss the excessive claim against him be denied. No objections to the Report-Recommendation were filed.¹

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

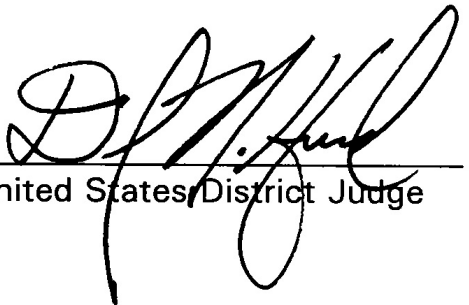
Therefore, it is

ORDERED that

1. Defendant Slaven's motion to dismiss the excessive claim against him is DENIED; and
2. Defendants are directed to file an answer to the Complaint within twenty (20) days of the date of this Decision and Order.

IT IS SO ORDERED.

Dated: January 6, 2020
Utica, New York.


United States District Judge

¹ The Report-Recommendation, mailed to Robinson's address at the Otis Bantum Correctional Center, 16-00 Hazen Street, East Elmhurst, NY 11370 was returned undeliverable. The envelope was marked: "Return to Sender - Attempted Not Known - Unable to Forward - Return to Sender." ECF No. 44.