

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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NEB MORROW, III,

Plaintiff,

-v-

9:19-CV-1628  
(DNH/ATB)

BAUERSFELD, Commissioner's Hearing Officer  
(CHO), Auburn Correctional Facility,

Defendant.

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APPEARANCES:

OF COUNSEL:

NEB MORROW, III  
Plaintiff pro se  
10-A-6112  
Sing Sing Correctional Facility  
354 Hunter Street  
Ossining, NY 10562

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

LAUREN ROSE EVERSLEY, ESQ.  
Ass't Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Pro se plaintiff Neb Morrow, III brought this civil rights action pursuant to 42 U.S.C. § 1983. On August 11, 2020, the Honorable Andrew T. Baxter, United States Magistrate Judge, advised by Report-Recommendation that defendant's motion to dismiss be denied. No objections to the Report-Recommendation were filed.

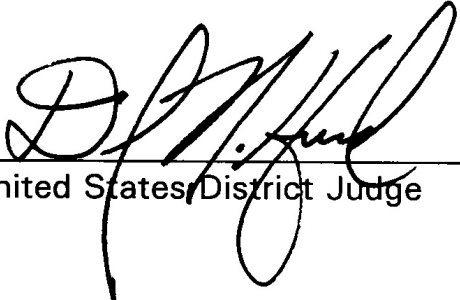
Based upon a careful review of entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Defendant's motion to dismiss is DENIED; and
2. Defendant is directed to file an answer to the Second Amended Complaint within twenty (20) days of the date of this Decision and Order.

IT IS SO ORDERED.



United States District Judge

Dated: September 2, 2020  
Utica, New York.