

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

-----X
AVION STINSON,

Plaintiff,

18 CIVIL 27 (LAK)

-against-

RULE 54(b) JUDGMENT

THE CITY OF NEW YORK, et al.,
Defendants.

-----X

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated July 22, 2021, Defendants having moved for summary judgment dismissing the Second Amended Complaint (the "Cpt"). The motion (Dkt 121) is disposed of as follows, substantially for the reasons stated in the painstaking and thorough Report and Recommendation of Magistrate Judge Barbara Moses to which no objection has been filed: 1. The motion is granted and the Cpt is dismissed in all respects as to defendants The City of New York, Ambrose, Ponte, Murphy and Blake. In addition, the Cpt is dismissed without prejudice pursuant to Fed. R. Civ. P. 4(m) as against unserved defendants Black, Cardoza, Debianchi, Hall, Hayne, Kirkland, Lawrence, Monteforte, Saldana, Skepple and Stevenson. As this disposes of all claims against these defendants, there is no just reason for delay and judgment is entered with respect to these defendants pursuant to Fed. R. Civ. P. 54(b). 2. The motion is granted in part and the Cpt is dismissed as against defendants defendants Lopez and Rothwell in all respects except that the motion is denied with respect to the portion of plaintiffs First Claim for damages pursuant to 42 U.S.C. § 1983 for force allegedly used by them on plaintiff in the bathroom of the GMDC clinic.

Dated: New York, New York
July 22, 2021

RUBY J. KRAJICK

BY:

Clerk of Court

K. mango

Deputy Clerk