

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MICHAEL F. RAMSEY

Plaintiff,

v.

ORDER
05-CV-047

GLENN S. GOORD, et al.

Defendants.

This case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1), on November 18, 2005. On January 22, 2007, defendants filed a motion for summary judgment. On August 19, 2009, Magistrate Judge Foschio filed a Report and Recommendation, recommending that defendants' motion for summary judgment be granted in part and denied in part.

Plaintiff filed objections to the Report and Recommendation on September 2, 2009, and defendants filed a response thereto.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and

Recommendation, and after reviewing the submissions of the parties, the Court adopts the proposed findings of the Report and Recommendation.¹

Accordingly, for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendants' motion for summary judgment is granted in part and denied in part.

The case is referred back to Magistrate Judge Foschio for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: September 24, 2009

¹ In his objections, plaintiff has alleged numerous factual errors in the Report and Recommendation. Most of plaintiff's allegations amount to disagreements with the outcome of the Report and Recommendation. The Court will acknowledge, however, one minor factual error that does not change the analysis contained in the Report and Recommendation. Page 45 of the Report and Recommendation should read that the court referenced in the Fifth Claim of the complaint is the Appellate Division, Second Department, not the Second Circuit.