

-PS-O-

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

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**ANTHONY AMAKER, et al.,**

**Plaintiffs,**

**-v-**

**09-CV-0396A(Sr)**

**COMM. G.S. GOORD, et al.,**

**Defendants.**

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**DECISION AND ORDER**

This matter has been referred to the undersigned, pursuant to 28 U.S.C. § 636(b)(1)(A)-(C), for all pretrial matters and to hear and report upon dispositive motions for consideration of the district judge. (Docket No. 23.)

Pursuant to a Decision and Order, filed September 23, 2012 (Docket No. 53), the New York State Attorney General's Office was directed to provide *in camera* the last known addresses of defendants C.O. Huffer, Supt. McGinnis, Sgt. P. Gavigan, L, McNamara, R. Christensen and/or S. Christensen so that the Court could direct the United States Marshals Service to serve the summons and amended complaint upon these defendants. The addresses have now provided to the Court *in camera*.

Accordingly, the Clerk of the Court is directed to cause the United States Marshals Service to serve the summons and amended complaint (Docket No. 29) upon defendants McGinnis, Gavigan, McNamara and R. Christensen at the addresses provided

to the Court *in camera* without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.<sup>1</sup> The Clerk of the Court shall prepare the necessary Summonses and U.S. Marshal Process Receipt and Return Forms (USM-285) for service upon defendants.

The Clerk of the Court is also directed to forward a copy of this Order by email to Michael Russo, Assistant Attorney General in Charge, Buffalo Regional Office <Michael.Russo@ag.ny.gov>.

**SO ORDERED.**

DATED: Buffalo, New York  
October 22, 2012

**s/ H. Kenneth Schroeder, Jr.**  
**H. KENNETH SCHROEDER, JR.**  
**United States Magistrate Judge**

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<sup>1</sup>Pursuant to a Standing Order of Court, filed September 28, 2012, a defendant will have 60 days to file and serve an answer or other responsive pleading, see Fed.R.Civ.P. 12(a)-(b), if the defendant and/or the defendant's agent has returned an Acknowledgment of Receipt of Service by Mail Form within 30 days of receipt of the summons and complaint by mail pursuant to N.Y.C.P.L.R. § 312-a.