

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MESHACH VALLADE,

Plaintiff,

v.

ORDER  
12-CV-00231(A)(M)

BRIAN FISCHER, J. CONWAY, SGT. DINO,  
OFFICER SCOLESE, NURSE R. KILLINGER,  
DR. ABBASEY, DR. LEKOWSKI, SANDRA PURSAK,  
and P. CHAPPIUS,

Defendants.

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The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On September 29, 2014, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that defendants' motion for summary judgment (Dkt. No. 30) be granted in part and denied in part.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, the defendants' motion for summary judgment (Dkt. No. 30) is granted to the extent it seeks dismissal of plaintiff's retaliation and deliberate indifference to medical needs claims, with prejudice, and plaintiff's access to courts claim, without prejudice, but is otherwise denied.

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

IT IS SO ORDERED.

*Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: October 29, 2014