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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ISSAC L. MCDONALD,

Plaintiff,

-v-

K. SMITH, Chief, K. PAYNE, Captain,  
J. PAYNE, C.O., S. MARTIN, C.O., J. GIBB, C.O.,  
SGT. GREENWALD,

Defendants.

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12-CV-0926Sc  
ORDER



Plaintiff, Isaac L. McDonald, proceeding *pro se*, filed a complaint seeking relief under 42 U.S.C. § 1983. By Order dated December 17, 2012, plaintiff was directed to file an amended complaint because his claim for loss and damage to his property was subject to dismissal for failure to state a claim (Docket No. 3). He was further advised that his remaining claims could proceed forward.

Plaintiff has now filed an amended complaint (Docket No. 4) which the Court reviews with respect to the 28 U.S.C. §§ 1915(e)(2)(B) and 1915A criteria. Plaintiff alleges that the damage to his property is further retaliation for his filing of complaints and grievances against the defendants. Plaintiff has provided sufficient allegations for his amended complaint to go forward.


The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Amended Complaint, and this Order upon the named defendants without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the amended complaint..

SO ORDERED.

DATED:

5/8, 2013  
Buffalo, New York

  
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JOHN T. CURTIN  
United States District Judge