

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ANTONIO SALGADO, JR., No. 09-A-1863,

Plaintiff,

v.

DECISION AND ORDER  
13-CV-1108A

NYS DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION, *et al.*,

Defendants.

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The above-referenced case was referred to Magistrate Judge Michael J. Roemer, pursuant to 28 U.S.C. § 636(b)(1)(B). On September 15, 2016, Magistrate Judge Roemer filed a Report and Recommendation (Dkt. No. 41), recommending that defendants' partial motions to dismiss (Dkt. Nos. 21 and 33) 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 Roemer's Report and Recommendation, defendants' partial motions to dismiss are granted in part and denied in part, as set forth in the conclusion of the Report and Recommendation.

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

IT IS SO ORDERED.

s/Richard J. Arcara  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: October 27, 2016