

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SHAWN WOODWARD,

Plaintiff,

v.

DECISION AND ORDER
14-CV-856-A

MUSLIM CHAPLIN AFIFY, *et al.*,

Defendants.

This case was referred to Magistrate Judge Michael J. Roemer pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On September 28, 2018, Magistrate Judge Roemer filed a Report and Recommendation (Dkt. No. 143) recommending that the motion for summary judgment pursuant to Fed. R. Civ. P. 56 of defendants Afify, Corsi, Krause, Livermore, Otto, and T. Sewalt's (Dkt. No. 125) be granted in part, but denied as to *pro se* plaintiff's First Amendment claims against defendants Afify and Krause.

On October 15, 2018, defendants filed objections to the Report and Recommendation (Dkt. No. 144). *Pro se* plaintiff also filed objections to the Report and Recommendation on October 23, 2018 (Dkt. No. 145). On November 13, 2018, plaintiff filed a response to Defendants' objections (Dkt. No. 147), and defendants filed their response on November 20, 2018 (Dkt. No. 148). Plaintiff filed a reply on December 20, 2018 (Dkt. No. 151), and the matter was deemed submitted. The Court deems oral argument unnecessary.

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 *de novo* review, and after carefully reviewing the submissions from the parties, the Court adopts the Magistrate Judge's conclusions for the reasons stated by the Magistrate Judge. It is, therefore

ORDERED, pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Roemer's Report and Recommendation, defendants' motion to dismiss (Dkt. No. 125) is granted as to Counselor Livermore and Corrections Officers Sewalt, Corsi, and Otto, but is denied as to *pro se* plaintiff's First Amendment claims against defendants Muslim Chaplin Afify and Sergeant Krause.

IT IS SO ORDERED.

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

Dated: October 22, 2019