

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOHN T. SCULL,

Plaintiff,

v.

DECISION AND ORDER
15-CV-309-A

PATRICK K. HENNEGAN,
ROGER TREVINO and
JOHN P. BARTOLOMEI,
BRIAN DEL PORTO,
NIAGARA FALLS REDEVELOPMENT LLC,
11TH STREET PROPERTIES LLC,
CLARKSVILLE LAND COMPANY LLC,
HOWARD MILSTEIN (Owner NFR),
ANTHONY BERGAMO (President NFR),
CITY OF NIAGARA FALLS NEW YORK,
THOMAS G. EWING,

Defendants.

The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On May 4, 2017, Magistrate Judge McCarthy filed a Report and Recommendation (Dkt. No. 64), recommending that *pro se* defendant John Bartolomei's motion for summary judgment (Dkt. No. 51) be granted in part, dismissing plaintiff's state law conspiracy claim against him, but otherwise denied, without prejudice.

The Court has carefully reviewed the Report and Recommendation, the record in this case, 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, *pro se* defendant John

Bartolomei's motion for summary judgment is granted in part, dismissing plaintiff's state law conspiracy claim against the defendant, but is otherwise denied, without prejudice. The case is remains referred to Magistrate Judge McCarthy for further proceedings consistent to the Court's prior Text Order Referring Case at Dkt. No. 8.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: May 31, 2017