

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ADAM ARROYO,

Plaintiff,

v.

DECISION AND ORDER
15-CV-753

THE CITY OF BUFFALO, and
CITY OF BUFFALO POLICE DEPARTMENT,
DANIEL DERENDA, Commissioner of the
City of Buffalo Police Department,
DET. JOHN GARCIA, Buffalo Police Narcotics
Officer,
DET. SGT. BRENDA CALLAHAN, Narcotics Officer,
CITY OF BUFFALO POLICE DEPARTMENT
NARCOTICS DIVISION,
DET. JOSEPH COOK,
MICHAEL DeGEORGE, City of Buffalo Spokesperson

Defendants.

This case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(B). On July 20, 2017, Magistrate Judge Foschio filed a Report and Recommendation (Dkt. No. 30), recommending that the City Defendants' Rule 12(c) motion (Dkt. 15) directed to Plaintiff's First, Second, Third, Sixth, Seventh, and Eighth Claims against the City Defendants should be granted in part and denied in part; that the Individual Defendants' Rule 12(c) motion as to Plaintiff's First, Third, and Seventh Claims against the Individual Defendants should be granted in part and denied in part; and that the Defendants' alternative motion for summary judgment should be dismissed without prejudice.

The Court has carefully reviewed the thorough 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 Foschio's Report and Recommendation, the City Defendants' Rule 12(c) motion (Dkt. 15) directed to Plaintiff's First, Second, Third, Sixth, Seventh, and Eighth Claims against the City Defendants is granted in part and denied in part, as specified in the Report and Recommendation; the Individual Defendants' Rule 12(c) motion as to Plaintiff's First, Third, and Seventh Claims against the Individual Defendants is granted in part and denied in part, as specified in the Report and Recommendation; and the Defendants' alternative motion for summary judgment is dismissed without prejudice.

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

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: January 16, 2018