

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ANDRE DOLBERRY,

Plaintiff,

DECISION AND ORDER

02-CV-6418L

v.

SERGEANT HEICHT, et al.,

Defendants.

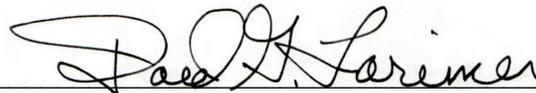
On November 10, 2009, plaintiff Andre Dolberry filed a two-page motion “for an order dismissing defendants’ defense(s).” Dkt. #304.

Contrary to the assertions made by plaintiff, the evidence does not demonstrate as a matter of law that plaintiff is entitled to the relief that he seeks. Plaintiff’s motion is therefore denied.

CONCLUSION

Plaintiff’s motion to dismiss (Dkt. #304) is denied.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
December 9, 2009.