

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ROBERT WESOLOWSKI,

Plaintiff,

DECISION AND ORDER

03-CV-6405L

v.

CHRISTOPHER F. KAMAS,
GREGORY T. MANOS,
THOMAS E.HANNAH,
CHRISTOPHER M. YEHL,
MICHAEL MC GINNIS,

Defendants.

By decision and order entered on December 9, 2008 (Dkt. #65), the Court granted defendants' motion for summary judgment and dismissing the complaint in this *pro se* civil rights action. By letter dated December 10, 2008, however, plaintiff advised the Court that he had previously requested an extension of time within which to respond to the motion for summary judgment.

On December 16, 2008, therefore, the Court, treating plaintiff's December 10 letter as a motion to reconsider, gave plaintiff an opportunity to file a response to defendants' motion for summary judgment.

Plaintiff has now filed a response to the motion. Having reviewed plaintiff's response, I see nothing in it that calls for a different result with respect to the Court's ruling on defendants' summary judgment motion. Plaintiff has added certain factual details concerning his living conditions at Southport Correctional Facility during the relevant time period, but his allegations, even if true, are insufficient to support a finding that plaintiff was subjected to conditions that were so harsh as to "violate contemporary standards of decency." *Grant v. Wright*, No. 03-CV-6037, 2008 WL 2097154, at *7 (W.D.N.Y. May 19, 2008).

CONCLUSION

Plaintiff's motion to reconsider (Dkt. #68) is denied.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
May 28, 2009.