

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CLARENCE GREEN,

Plaintiff,

DECISION AND ORDER

04-CV-6213L

v.

VICTOR HERBERT, et al.,

Defendants.

On January 5, 2010, this Court entered a Decision and Order (Dkt. #109) granting the motion for summary judgment on behalf of several defendants named in plaintiff's *pro se* complaint. The motion was granted as to all defendants except the excessive force claim against defendants Kazmierczak, Lewalski, Porter and Welch. The Court also denied the summary judgment motion on the due process claims against defendants Kennedy, Raushe, Burns, McCarthy, Perrine, Smist and Priestly.

Plaintiff has now filed a document entitled "Affirmation With Memorandum of Law" (Dkt. #111) in which he seeks an order from this Court reconsidering the Decision and Order of January 5, 2010. Plaintiff also seeks to file what he describes as an Interlocutory Appeal and also seeks leave to file an Amended Complaint.

The requests of plaintiff for this Court to reconsider its prior Decision and for leave to file an Interlocutory Appeal and for leave to amend the Complaint are all denied.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer". The signature is written in a cursive style with a large initial "D".

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
February 1, 2010.