

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ARRELLO BARNES,

Plaintiff,

DECISION AND ORDER

07-CV-6197L

v.

FEDELE, et al.,

Defendants.

Plaintiff's motion for summary judgment (Dkt. #74) is denied. At this stage of the proceedings, there are material issues of fact which preclude judgment as a matter of law at this time. The parties are engaged in discovery and that should continue.

IT IS SO ORDERED.



DAVID G. LARIMER

United States District Judge

Dated: Rochester, New York
August 25, 2010.