

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

SUMMARY ORDER

THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL OR RES JUDICATA.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, Foley Square, in the City of New York, on the 2nd day of September, two thousand four.

PRESENT: HON. ELLSWORTH VAN GRAAFEILAND,  
HON. DENNIS JACOBS,  
HON. ROSEMARY S. POOLER,  
Circuit Judges.

- - - - -X

ANDREAS PLONKA,

Plaintiff-Appellant,

-v.-

03-7746

RICHARD BROWN, Assistant District Attorney of Otsego County, DONALD LARAWAY, Former Unadilla Town Justice, STEVEN CLARK, Town Justice of Unadilla, KAREN SASTRA, Town Justice of Unadilla, FRANK SCHAEFFER, Former Town Justice of Sidney, RONALD DECKER, Town Justice of Otego, GERALD KRAMER, Attorney (Albany Bar), ANDREW SKRABANSKI, State, Police Troop C (Sidney), DEAN EDWARDS, State, Police, Troop C (Sidney), LAWRENCE L. BROWN, State Police, Troop C (Sidney), ROBERT

GOULDIN, Attorney (Albany Bar),  
MICHAEL GETMAN, Attorney (Albany Bar),

Defendants-Appellees.

- - - - -X

APPEARING FOR APPELLANT: On Submission (Andreas  
Plonka, pro se, on the  
brief)

APPEARING FOR APPELLEE  
DECKER: On Submission (Alison M.  
Pavlakos, Napierski,  
Vandenburgh & Napierski,  
L.L.P., Albany, NY, on  
the brief)

APPEARING FOR APPELLEES  
CLARK AND SASTRA: On Submission (Thomas K.  
Murphy and Catherine A.  
Barber, Murphy, Burns,  
Barber & Murphy, LLP,  
Albany, NY, on the brief)

APPEARING FOR APPELLEES  
BROWN AND GETMAN: On Submission (James E.  
Konstanty, Oneonta, NY,  
on the brief)

APPEARING FOR APPELLEE  
GOULDIN: On Submission (David M.  
Gouldin, Levine Gouldin &  
Thompson, LLP,  
Binghamton, NY, on the  
brief)

APPEARING FOR APPELLEE  
EDWARDS: On Submission (Eliot  
Spitzer, Attorney General  
for the State of New  
York, Nancy A. Spiegel,  
Senior Assistant  
Solicitor General, and

Dorothy E. Hill,  
Assistant Solicitor  
General, on the brief)

Appeal from the United States District Court for the Northern District of New York (McAvoy, J.).

**UPON DUE CONSIDERATION, IT IS HEREBY ORDERED** that the judgment of the district court is **AFFIRMED**.

Andreas Plonka appeals from a decision and order of the United States District Court for the Northern District of New York (McAvoy, J.), entered on July 2, 2003, dismissing his complaint against all defendants. Familiarity by the parties is assumed as to the facts, the procedural context, and the specification of appellate issues.

Appellant fails to state a claim for slander against appellee Brown because he alleges neither special damages nor slander per se. See Aronson v. Wiersma, 65 N.Y.2d 592, 594 (1985) (a statement that "does not, on its face, defame plaintiff in her trade, business or profession . . . does not constitute slander per se, actionable without proof of special damages"). We affirm the dismissal of the claims against the remaining defendants for substantially the reasons stated by the district court.

For the reasons set forth above, the judgment of the district court is hereby **AFFIRMED**.

FOR THE COURT:  
ROSEANN B. MACKECHNIE, CLERK  
By:

\_\_\_\_\_  
Lucille Carr, Deputy Clerk