

affidavit of Rhonda M. Gottlieb dated October 21, 1998 at ¶¶ 3-5). Further, the Inmate Grievance Program office correspondence log from 1994, which lists every letter received from inmates that year, contains no entry for this letter. (Eagen Affidavit at ¶¶ 6-7). Finally, the Wende Superintendent's inmate correspondence file from 1994, and the Deputy Superintendent's files, contain no such letter from inmate Calloway (Affidavit of Cynthia Sherlock dated October 19, 1998 at ¶¶ 3-5; Affidavit of Wendy Jensen dated October 21, 1998 at ¶ 4).

Perhaps even more significantly, forensic chemistry testing of the ink from this letter performed by the defendants' expert allegedly reveals that the letter was not written on September 3, 1994. The ink dating test shows that it was written more than two years later (Speckin Affidavit at ¶ 6; Lipkind Affidavit ¶¶ 9-10). The plaintiff has failed to meet this evidence with its own expert report. Indeed, the plaintiff has failed to make any specific challenge to the methodology used by the defendants' expert. The plaintiff makes only a general argument questioning the reliability of such ink testing. The dating of documents by the use of experts analyzing the ink is competent evidence. (See United States v. Colasurdo, 453 F.2d. 585 (2d. Cir. 1971); Janopoulos v. Harvey L. Walner & Associates, 866 F.Supp. 1086 (N.D. Ill. 1994).

In any event, to survive summary judgment and maintain his claims against Coombe, Irvin and Laguna, the plaintiff must establish a triable issue of fact that these defendants *received* the September 3, 1994 letter (the sole item asserted by the plaintiff as advising the defendants of Richter's allegedly offending conduct). The plaintiff contends only that he placed the letters on the bars of his cell to be picked up by the mail officer. The parties have provided the Court with no authority which establishes a presumption of receipt by an addressee merely upon the