

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**JAMES J. DUNN,**

**Plaintiff,**

**- v -**

**Civ. No. 9:06-CV-145  
(TJM/RFT)**

**NEW YORK STATE DIVISION OF PAROLE,  
Executive Department,**

**Defendant**

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**THOMAS J. McAVOY,  
Senior United States District Judge**

**DECISION & ORDER**

**I. INTRODUCTION**

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. Randolph F. Treece, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). In a Report-Recommendation and Order dated February 20, 2009, Magistrate Judge Treece recommended that Defendant's motion for summary judgment [dkt. # 18] be granted and the Complaint dismissed.

Plaintiff has filed objections to the recommendation.

**II. STANDARD OF REVIEW**

When objections to a magistrate judge's Report and Recommendation are lodged, the Court makes a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28 U.S.C. §

636(b)(1)(C). After such a review, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.”

Id.

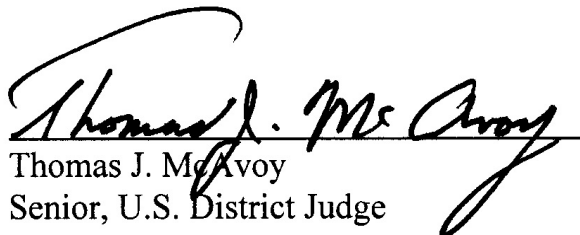
### III. DISCUSSION

Having reviewed the record *de novo* and having considered the issues raised in the objections, this Court has determined to accept and adopt the recommendation of Magistrate Judge Treece for the reasons stated in the Report-Recommendation and Order dated February 20, 2009. Therefore, it is hereby

**ORDERED** that Defendant’s motion for summary judgment [dkt. # 18] is **GRANTED** and all claims in the action are **DISMISSED**. The Clerk of the Court is instructed to mark the file in this matter as closed.

**IT IS SO ORDERED.**

DATED: March 12, 2009

  
Thomas J. McAvoy  
Senior, U.S. District Judge