

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Eric Staine,

Plaintiff,

v.

9:12-CV-545

Patrick Sullivan et al.,

Defendants.

THOMAS J. McAVOY
Senior United States District Judge

DECISION and ORDER

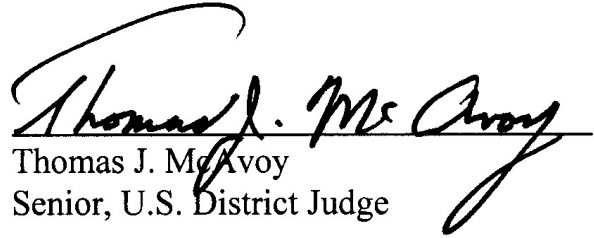
This action, brought pursuant to 42 U.S.C. § 1983, was referred to this Court by the Honorable Randolph F. Treece, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

In the Report-Recommendation, Magistrate Judge Treece recommends that Plaintiff's Motion for Summary Judgment be denied and Defendants' Cross-Motion for Summary Judgment be granted. No objections to the Report-Recommendation dated January 16, 2014 have been filed. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein.

For the foregoing reasons, the Court **AFFIRMS** and **ADOPTS** the Report and Recommendation and **DENIES** Plaintiff's Motion for Summary Judgment and **GRANTS** Defendants' Cross-Motion for Summary Judgment.

IT IS SO ORDERED.

Dated: March 19, 2014


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