

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CARL A. DIMPERIO, JR.,

Plaintiff,

-v-

9:13-CV-1010
(DNH/RFT)

NEW YORK STATE DEPARTMENT OF
CORRECTIONS AND COMMUNITY
SUPERVISION,

Defendant.

APPEARANCES:

CARL A. DIMPERIO, JR.
Plaintiff Pro Se
7087 Buckley Road
Liverpool, NY 13088

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of New York
Attorney for Defendant
The Capitol
Albany, NY 12224

TIFFINAY M. RUTNIK, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff brought this action alleging violations of his rights pursuant to the Americans with Disabilities Act. On February 18, 2015, the Honorable Randolph F. Treece, United States Magistrate Judge, advised, by Report-Recommendation that plaintiff's motion for summary judgment be denied, defendant's cross-motion for summary judgment be

granted, and plaintiff's complaint be dismissed in its entirety. Plaintiff timely filed objections to the Report-Recommendation.

Based upon a de novo review of the portions of the Report-Recommendation to which plaintiff objected, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

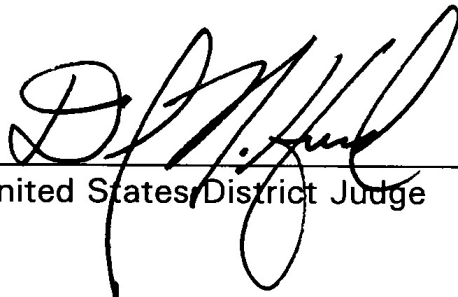
Therefore, it is

ORDERED that

1. Plaintiff's motion for summary judgment is DENIED;
2. Defendant's cross-motion for summary judgment is GRANTED;
3. Plaintiff's complaint is DISMISSED in its entirety; and
4. The Clerk is directed to enter judgment accordingly, serve a copy of this

Decision and Order upon plaintiff in accordance with the Local Rules, and close the file.

IT IS SO ORDERED.


United States District Judge

Dated: March 25, 2015
Utica, New York.