

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

---

**RENDELL ROBINSON,**

**Plaintiff,**

**v.**

**9:13-CV-1213  
(TJM/TWD)**

**LORENZO A. BALLARD, TIMOTHY  
HOLMES, MICHAEL J. WOJTANOWSKI,  
STEPHEN J. STRASSBERGER, JOSEPH  
BELLNIER, JOHN DOE HARPER, JOHN  
DOE CORY, BRIAN HILTON, JOHN  
DOE KALIES, ERIC ONYAN, ARDUINO  
A. CACCIOTTI, JR., JOHN DOE  
MCARDLE,**

**Defendants.**

---

**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. Thérèse Wiley Dancks, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to Magistrate Judge Dancks' March 9, 2015 Order and Report-Recommendation [dkt. # 38] have been filed, and the time to do so has expired.

**II. DISCUSSION**

After examining the record, this Court has determined that the Order and Report-

Recommendation is not subject to attack for plain error or manifest injustice.

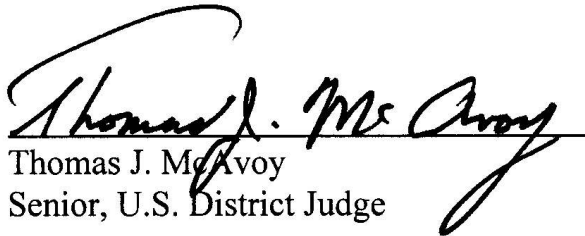
**III. CONCLUSION**

Accordingly, the Court **ADOPTS** the Order and Report-Recommendation [dkt. # 38] for the reasons stated therein. Therefore, it is hereby

**ORDERED** that Defendants' motion to dismiss for failure to state a claim (Dkt. No. 27) is **DENIED**.

**IT IS SO ORDERED.**

Dated: March 27, 2015

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