

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

**THERESA VANDERMARK,
as Administrator of the
Estate of James Vandermark,**

Plaintiff,

v.

6:11-CV-0090

**THE COUNTY OF MONTGOMERY,
et al.,**

Defendants.

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

DECISION & ORDER

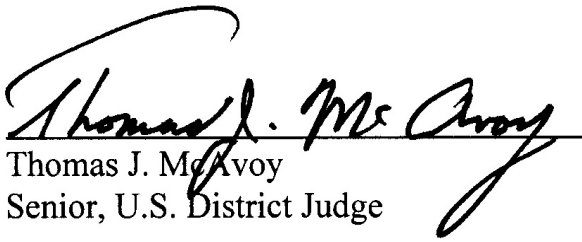
This matter brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. David E. Peebles, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

No objections to the December 13, 2012 Report-Recommendation were raised by the parties. After examining the record, the Court determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, the Court adopts the Report-Recommendation for the reasons stated therein.

Thus, it is ordered that Plaintiff's complaint be **DISMISSED WITH PREJUDICE.**

IT IS SO ORDERED.

Dated: February 19, 2013


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