

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

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**MIGUEL ALEJANDRO JARAMILLO,**

**Plaintiff,**

**v.**

**7:10-CV-0869  
(TJM/GHL)**

**JULIE M. HUTCHINS, LAUREL MCCARTHY,  
MATTHEW J. PORTER, SHEILA CROWLEY,**

**Defendants.,**

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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 by this Court to the Hon. George H. Lowe, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule N.D.N.Y. 72.3(c). After reviewing Plaintiff's complaint, Magistrate Judge Lowe recommended that the complaint (Dkt. No. 1) be dismissed with prejudice for failure to state a claim, and that Plaintiff's *in forma pauperis* application (Dkt. No. 3) and letter motion requesting service of his complaint (Dkt. No. 2) be denied as moot. Plaintiff has filed objections to these recommendations.

**II. STANDARD OF REVIEW**

When objections to a magistrate judge's report and recommendation are lodged, the district 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 reviewing the Report-Recommendation, 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." 28 U.S.C. § 636(b)(1)(C).

**III. DISCUSSION**

Having reviewed Plaintiff's objections, the Court determines to adopt the recommendations for the reasons stated in Magistrate Judge Lowe's report.

**IV. CONCLUSION**

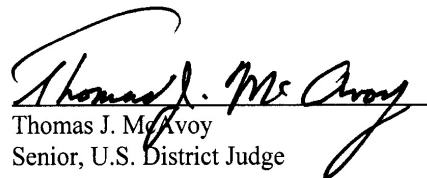
Therefore, the Court **ADOPTS** the recommendations made by Magistrate Judge Lowe. Accordingly, it is hereby

**ORDERED** that Plaintiff's complaint (Dkt. No. 1) is **dismissed with prejudice** for failure to state a claim; and it is further

**ORDERED** that Plaintiff's *in forma pauperis* application (Dkt. No. 3) and letter motion requesting service of his complaint (Dkt. No. 2) are **denied as moot**.

**IT IS SO ORDERED**

**Dated:** September 9, 2011

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