

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JAMES MURRAY,

Plaintiff,

v.

Civil Action No.  
9:05-CV-1113  
(FJS/DRH)

GOORD; SUPERINTENDENT OF AUBURN  
CORRECTIONAL FACILITY,

Defendant.

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APPEARANCES:

OF COUNSEL:

**FOR PLAINTIFF:**

JAMES MURRAY, *pro se*  
95-A-4417  
Upstate Correctional Facility  
P.O. Box 2001  
Malone, NY 12953

**FOR DEFENDANTS:**

HON. ANDREW M. CUOMO  
Attorney General of  
the State of New York  
The Capitol  
Albany, New York 12224-0341

HEATHER R. RUBINSTEIN, ESQ.  
Assistant Attorney General

**FREDERICK J. SCULLIN, JR., S.J.:**

**ORDER**

Currently before the Court is the Report-Recommendation and Order of Magistrate Judge

David R. Homer filed July 6, 2009 to which the parties have not filed any objections. On July 15, 2009, Senior Judge Frederick J. Scullin extended the plaintiff's deadline to submit objections to Magistrate Judge Homer's Report-Recommendation and Order to on or before October 20, 2009. Thereafter, plaintiff has filed no objections to said Report-Recommendation and Order. Accordingly, the Court having reviewed the Report-Recommendation and Order and the entire file in this matter, the Court hereby

**ORDERS** that the Report-Recommendation and Order of Magistrate Judge David R. Homer filed July 6, 2009 is **ADOPTED IN ITS ENTIRETY** for the reasons stated therein; and the Court further

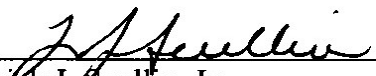
**ORDERS** that the motion for Judgment on the Pleadings filed by defendant Goord is **GRANTED**, and the Court further

**ORDERS** that plaintiff's complaint is **DISMISSED** in its entirety, and the Court further

**ORDERS** that the Clerk of the Court shall enter judgment in favor of defendant and close this case.

**IT IS SO ORDERED.**

DATED: October 23, 2009  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge