

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

---

**SHAWN MICHAEL SNYDER**

**Plaintiff,**

**-against-**

**No. 9:05-CV-01284**

**MR. WHITTIER, Corrections Officer,  
Washington Correctional Facility; and  
MR. FUNNYE, Corrections Officer,  
Washington Correctional Facility**

**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. David E. Peebles, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). In a Report and Recommendation dated December 12, 2008, Magistrate Judge Peebles recommended that Defendants' motions for summary judgment [dkt. # 63 & dkt. # 64] be granted and that all remaining claims in the action be dismissed. Plaintiff has filed objections to the recommendation.

**II. STANDARD OF REVIEW**

When objections to a magistrate judge’s Report and Recommendation are lodged, the 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 such a review, 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.”

Id.

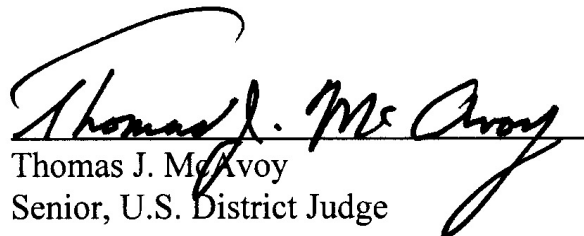
**III. DISCUSSION**

Having reviewed the record *de novo* and having considered the issues raised in the objections, this Court has determined to accept and adopt the recommendation of Magistrate Judge Peebles for the reasons stated in the December 12, 2008 Report and Recommendation. Therefore, it is hereby

**ORDERED** that Defendants’ motions for summary judgment [dkt. # 63 & dkt. # 64] are **GRANTED** and all remaining claims in the action are **DISMISSED**. The Clerk of the Court is instructed to mark the file in this matter as closed.

**IT IS SO ORDERED.**

DATED: **March 12, 2009**

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