UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

NELSON BRITO,

Plaintiff,

Civil Action No. 9:06-CV-00154 (FJS/DEP)

v.

R. K. WOODS, et at.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

Nelson Brito, Pro Se 03-B-1309 Wende Correctional Facility Wende Road P.O. Box 1187 Alden, New York 14004

FOR DEFENDANTS:

HON. ANDREW M. CUOMO Attorney General of the State of New York The Capitol Albany, New York 12224 AARON M. BALDWIN, ESQ. Assistant Attorney General

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

ORDER

After carefully considering the entire file in this matter, including Magistrate Judge

Peebles' July 13, 2009 Report and Recommendation to which the parties have not filed any

objections; the Court hereby

ORDERS that Magistrate Judge Peebles' July 13, 2009 Report and Recommendation is

ADOPTED IN ITS ENTIRETY for the reasons stated therein; and the Court further

ORDERS that Defendants' motion for summary judgment is **GRANTED**, and the Court

further

ORDERS that Plaintiff's complaint is **DISMISSED** as against all remaining defendants;

and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendants and

close this case.

IT IS SO ORDERED.

DATED: August 6, 2009

Syracuse, New York

Frederick J. Scullin, Jr.

Senior United States District Court Judge

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