

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DENNIS NELSON,

Plaintiff,

vs.

9:06-CV-1146 (NAM)(DRH)

**MR. SCOGGY, Counselor; MS. L. GILLIS, Dept. of
BHU; MS. FRAISHER, Doctor; R. QUINN, C.O.,**

Defendants.

APPEARANCES:

DENNIS NELSON
Great Meadow Correctional Facility
Box 51
Comstock, New York 12821
Plaintiff, *pro se*

HON. ANDREW M. CUOMO, Attorney General, State of New York
Adele M. Taylor-Scott, Esq., Assistant Attorney General
The Capitol
Albany, New York 12224
Attorney for Defendants

Hon. Norman A. Mordue, Chief U.S. District Judge:

MEMORANDUM-DECISION AND ORDER

Defendants move (Dkt. No. 42) for summary judgment dismissing this *pro se* action under 42 U.S.C. § 1983. Upon referral pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72.3(c), United States Magistrate Judge David R. Homer issued a Report and Recommendation (Dkt. No. 47) recommending that the motion for summary judgment be granted to all defendants on all claims. Plaintiff submitted a general objection (Dkt. No. 48) stating simply that he objects to granting summary judgment. Accordingly, the Court reviews the Report and Recommendation for clear error. *See Brown v. Peters*, 1997 WL 599355,*2-3 (N.D.N.Y.), *aff'd without op.*, 175

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F.3d 1007 (2d Cir. 1999).

The Court has reviewed the entire record, including the extensive medical records that were traditionally filed. Magistrate Judge Homer's factual recitation is fully supported by the record, and the Court adopts the Report and Recommendation in its entirety. There is no clear error; to the contrary, even under the *de novo* standard of review, the Report and Recommendation is correct in all respects.

It is therefore

ORDERED that the Report and Recommendation (Dkt. No. 47) is accepted and adopted; and it is further

ORDERED that defendants' motion for summary judgment (Dkt. No. 42) is granted and the action dismissed on the merits.

IT IS SO ORDERED.

December 30, 2009
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge