

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KENNETH WARD,

Plaintiff,

vs

9:06-CV-1429

GLENN GOORD, Commissioner; LUCIEN
LeCLAIRE, JR., Deputy Commissioner of
Facility Operations; R. WOODS, Superintended,
UpState Correctional Facility; C. GREGORY,
Grievance Program Supervisor; and THOMAS
G. EAGEN, Director of Central Office Review
Committee (CORC),

Defendants.

APPEARANCES:

OF COUNSEL:

KENNETH WARD
Plaintiff, Pro Se
338 Bennington Drive
Rochester, NY 14616

HON. ANDREW M. CUOMO
Attorney General of the
Attorney for the Defendants
Department of Law
The Capitol
Albany, NY 12224

JAMES B. MCGOWAN, ESQ.
ADRIENNE J. KERWIN, ESQ.
RISA L. VIGLUCCI, ESQ.

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff, Kenneth Ward, brought this civil rights action pursuant to 42 U.S.C.

§ 1983. By Report-Recommendation dated December 1, 2008, the Honorable David R.

Homer, United States Magistrate Judge, recommended that defendants' motion for summary

judgment be granted as to all claims and all defendants. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Homer, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

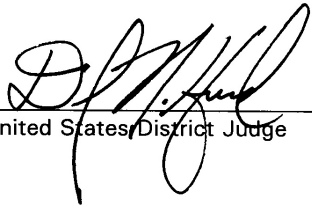
Accordingly, it is

ORDERED that

1. The defendants' motion for summary judgment is GRANTED;
2. The plaintiff's complaint is DISMISSED as to all claims and all defendants; and
3. The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: January 13, 2009
Utica, New York.



United States District Judge