

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Armando Gonzalez

Plaintiff,

vs

9:07-CV-53
(DNH/GJD)

Sgt. Whittaker, C.O. Bunny

Defendant.

APPEARANCES:

OF COUNSEL:

Armando Gonzalez
Plaintiff, pro se
178-18 145th Drive
Jamaica, NY 11433

HON. ANDREW M. CUOMO
Attorney General for the State of New York
Attorney for Defendants
615 Erie Boulevard West
Suite 102
Syracuse, NY 13204

HEATHER R. RUBINSTEIN, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff brought this civil rights action pursuant to 42 U.S.C. § 1983. On February 29, 2009, the Honorable Gustave J. DiBianco, United States Magistrate Judge, advised, by Report-Recommendation, that defendant's motion for summary judgment be granted, and the complaint be dismissed in its entirety. No objections to the Report-Recommendation were filed.

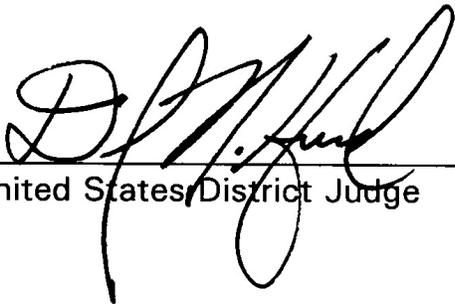
Based upon a careful review of entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C.

636(b)(1). Accordingly, it is

ORDERED that defendant's motion for summary judgment is GRANTED and the complaint is DISMISSED in its entirety.

IT IS SO ORDERED.

Dated: March 19, 2009
Utica, New York.



United States District Judge