

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

NELSON RODRIGUEZ,

Plaintiff,

-against-

9:07-CV-0432 (LEK/DEP)

DONALD SELSKY,

Defendant.

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on February 25, 2010 by the Honorable David E. Peebles, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 54). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including Defendant Donald Selsky's Objections (Dkt. No. 55), which were filed on March 2, 2010 and Plaintiff Nelson Rodriguez's Objections, (Dkt. No. 56), which were filed on March 11, 2010.

It is the duty of this Court to "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b). "A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.* This Court has considered the parties' Objections (Dkt. Nos. 55, 56) and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for

the reasons stated therein.

Accordingly, it is hereby

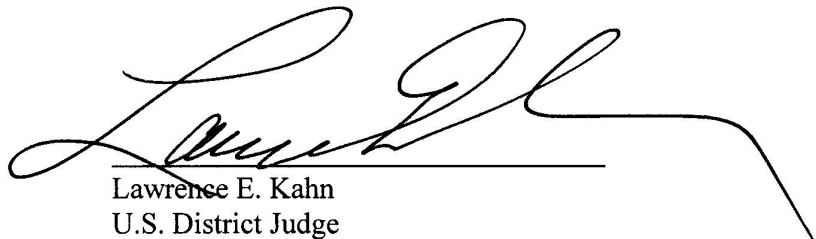
**ORDERED**, that the Report-Recommendation (Dkt. No. 54) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

**ORDERED**, that Defendant Selsky's Motion for judgment on the pleadings (Dkt. No. 47) is **DENIED**, and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: March 15, 2010  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge