

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 January 25, 2011, 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. 78). Therein, Magistrate Judge Peebles recommends granting Defendant Donald Selsky's Motion for summary judgment (Dkt. No. 62) and dismissing Plaintiff's Amended Complaint (Dkt. No. 7) in its entirety. Dkt. No. 78. After receiving an extension of time to respond to the Magistrate Judge's Report-Recommendation, Plaintiff Nelson Rodriguez filed his objections ("Objections") on February 28, 2011. Dkt. No. 80.

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). Where, however, an objecting "party makes only conclusory or general objections, or simply reiterates his original arguments, the Court reviews the Report and Recommendation only for clear error." Farid v. Bouey, 554 F. Supp. 2d 301, 307 (N.D.N.Y. 2008) (quoting McAllan v. Von Essen, 517 F. Supp. 2d 672, 679 (S.D.N.Y. 2007) (citations and quotations omitted)); see also

Brown v. Peters, No. 95-CV-1641, 1997 WL 599355, at \*2-3 (N.D.N.Y. Sept. 22, 1997). “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 Plaintiff’s Objections (Dkt. No. 80) 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. 78) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

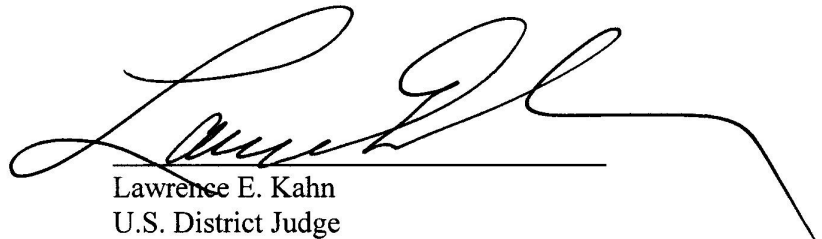
**ORDERED**, that Defendant Selsky’s Motion for judgment (Dkt. No. 62) is **GRANTED**, and it is further

**ORDERED**, that Plaintiff’s Amended Complaint (Dkt. No. 7) is **DISMISSED in its entirety**; and it is further

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

**IT IS SO ORDERED.**

DATED: March 03, 2011  
Albany, New York

  
Lawrence E. Kahn  
U.S. District Judge