

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ALEX SILVAGNOLI

Plaintiff,

vs.

9:07-CV-0561

BRIAN FISCHER, *Commissioner of DOCS*;  
Dr. LESTER WRIGHT, *Associate Comm./*  
*Chief Medical Examiner*; KENNETH PERLMAN;  
*Midstate Superintendent*; and S. NEAFACH; *Midstate*  
*Correctional Facility Counselor*,

Defendants.

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**APPEARANCES:**

**OF COUNSEL:**

Alex Silvagnoli  
94-A-6046  
Cayuga Correctional Facility  
P.O. Box 1186  
Moravia, NY 13118  
Plaintiff, *Pro Se*

Hon. Andrew M. Cuomo  
Attorney General for the State of New York  
The Capitol  
Albany, NY 12224  
Counsel for Defendants

Justin C. Levin, Esq.  
Assistant Attorney General

**Norman A. Mordue, Chief U. S. District Judge**

**ORDER**

The above matter comes to me following a Report-Recommendation by Magistrate Judge Andrew T. Baxter, duly filed on the 1<sup>st</sup> day of March 2010. Following fourteen days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-

Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The defendants' motion for summary judgment (Dkt. No. 38) is granted and the complaint is dismissed in its entirety. The Clerk shall enter judgment accordingly.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

**IT IS SO ORDERED.**

Dated: March 22, 2010  
Syracuse, New York

  
Norman A. Mordue  
Chief United States District Court Judge