

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WARREN LANE,

Plaintiff,

-v.-

Civil Action No.
9:07-cv-751 (GLS/DEP)

SHARON E. CARPINELLO, Commissioner,
New York State Office of Mental Health;
DONALD SAWYER, Director; SHARON
BARBOZA, M.D.; JEFFREY NOWICKI,
Social Worker; ANTHONY LUCENTI,
Social Worker; J. CROCIATA, Nurse;
MICHAEL BABULA, Treatment Assistant;
FRANK MENZ, Treatment Assistant;
STEPHEN COPPOLA, Treatment
Assistant Central New York Psychiatric
Center; and BARBARA BEBE, Facility
Review Specialist, New York State
Commission for Quality of Care,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

WARREN LANE
Plaintiff, *Pro Se*
2440 Hunter Avenue #10C
Bronx, New York 10475

FOR THE DEFENDANTS:

HON. ANDREW M. CUOMO
Attorney General of the
State of New York
The Capitol
Albany, New York 12224-0341

DEAN J. HIGGINS
Assistant Attorney General

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed August 31, 2009. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge David E. Peebles filed August 31, 2009 is ACCEPTED in its entirety for the reasons state therein, and it is further

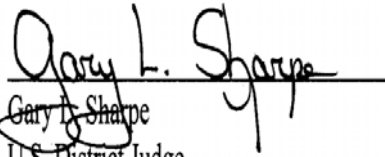
ORDERED, that the plaintiff's motion for partial summary judgment (Dkt. No. 57) is DENIED, defendants' cross-motion for summary judgment (Dkt. No. 79) is GRANTED, and the plaintiff's complaint is DISMISSED in its

entirety, and it is further

ORDERED, that the Clerk of the court serve a copy of this order upon the parties in accordance with this court's local rules.

IT IS SO ORDERED.

Dated: September 24, 2009
Albany, New York


Gary L. Sharpe
U.S. District Judge