

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

TIMOTHY HARNETT, a/k/a  
Shaiabdullah Muhammad,

Plaintiff,

v.

9:07-CV-1232 (LEK/DRH)

DANIEL A. SENKOWSKI, Superintendent,  
Clinton Correctional Facility, LAWRENCE  
SEARS, Deputy Superintendent, Clinton  
Correctional Facility, GLENN S. GOORD,  
Commissioner of DOCS, CASINE,  
Correctional Officer, Clinton Correctional  
Facility, DALE ARTUS, Superintendent,  
Clinton Correctional Facility, PAUL M.  
KNAPP, Deputy Superintendent, Clinton  
Correctional Facility; J. BELL, Captain,  
Clinton Correctional Facility, D. LaCLAIR,  
Grievance Sergeant, Clinton Correctional  
Facility, THOMAS G. EAGEN, Grievance  
Director, TARA BROUSSEAU, Grievance  
Supervisor, Clinton Correctional Facility,  
EDWARD J. McSWEENEY, Assistant  
Commissioner of DOCS, J. TEDFORD,  
Deputy Superintendent, Clinton Correctional  
Facility, JOHN DOE, #1-11, Correctional  
Officers, Clinton Correctional Facility, and  
KAREN BELLAMY, Assistant Commissioner  
of DOCS,

Defendants.

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on May 27, 2009, by the Honorable David R. Homer, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 49).

Within ten days, excluding weekends and holidays, after a party has been served with a copy

of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Homer's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

**ORDERED**, that the Report-Recommendation (Dkt. No. 49) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

**ORDERED**, that Defendants' Motion to dismiss (Dkt. No. 47) is **GRANTED**; and it is further

**ORDERED**, that Plaintiff's *in forma pauperis* status is **REVOKED**; and it is further

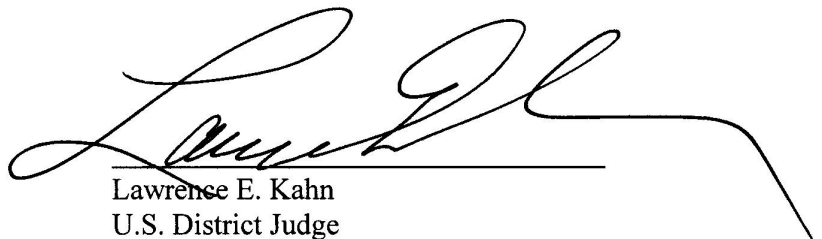
**ORDERED**, that this action is **DISMISSED** as to all claims and all Defendants unless Plaintiff pays the filing fee of \$350.00 within **thirty (30) days** of the entry of this Order; and it is further

**ORDERED**, that Defendants' Motion for sanctions and dismissal (Dkt. No. 43) is **DENIED without prejudice** subject to renewal if the above-captioned action is not dismissed under 28 U.S.C. § 1915(g); and it is further

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

**IT IS SO ORDERED.**

DATED: June 16, 2009  
Albany, New York

  
Lawrence E. Kahn  
U.S. District Judge