

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

TIMOTHY HARNETT, a/k/a  
Shaiabullah 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 **REVOKE**D; and it is further

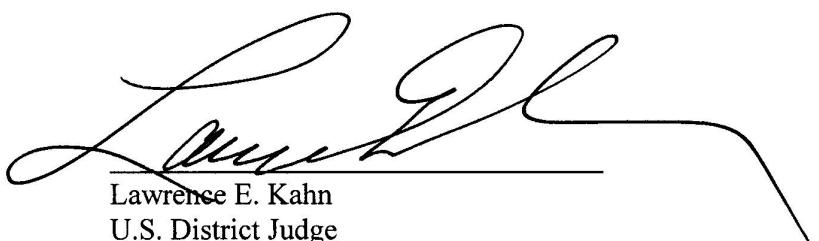
**ORDERED**, that this action is **DISMISSED** as to all claims and all Defendants unless Plaintiff pays the filing fee of \$350.00 within **thirty (30) days** of the entry of this Order; and it is further

**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