

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHN COOKE,

Plaintiff,

v.

Civil Action No.
9:07-cv-1292 (GLS/ATB)

STERN, Supt. Programs,
Bare Hill Correctional Facility,¹ and
MS. S. FLANAGAN,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

JOHN COOKE
Plaintiff, *Pro Se*
537 East 80th Street
#1
Brooklyn, New York 11236

FOR THE DEFENDANT:

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

CHRISTOPHER W. HALL, ESQ.
Assistant Attorney General

GARY L. SHARPE,
U.S. DISTRICT JUDGE

¹ This defendant's last name is actually "Stearns," and this court will refer to him as such.

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Andrew T. Baxter, duly filed August 2, 2010. 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 Andrew T. Baxter filed August 2, 2010 (Dkt. No. 31) is ACCEPTED in its entirety for the reasons state therein, and it is further

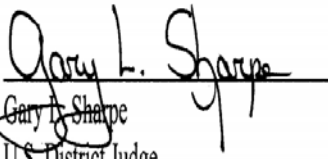
ORDERED, that the defendants' motion for summary judgment (Dkt. No. 24) is GRANTED and the remaining claim in the amended complaint is DISMISSED IN ITS ENTIRETY; and it is further

ORDERED, that the Clerk enter judgment and close the case; 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: August 26, 2010
Albany, New York


Gary L. Sharpe
U.S. District Judge