

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMES WILLIAM TOWNER,

Plaintiff,

- vs -

9:08CV47

JOHN DOE, Dep. of Security; B. DONNELLY
and McINTYRE, Each Correction Officer,

Defendants.

APPEARANCES:

OF COUNSEL:

JAMES WILLIAM TOWNER

Plaintiff, Pro Se

99-A-4878

Attica Correctional Facility

Box 149

Attica, NY 14011

HON. ANDREW M. CUOMO

Attorney General of the

State of New York

Attorney for Defendants

Department of Law

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Albany, New York 12224

RICHARD LOMBARDO, ESQ.

Asst. Attorney General

DAVID N. HURD

United States District Judge

DECISION and ORDER

Plaintiff, James William Towner, brought this civil rights action in January 2008, pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated July 27, 2010, the Honorable David R. Homer, United States Magistrate Judge, recommended that the plaintiff's motion for summary judgment be denied. The plaintiff has filed timely objections to the Report Recommendation.

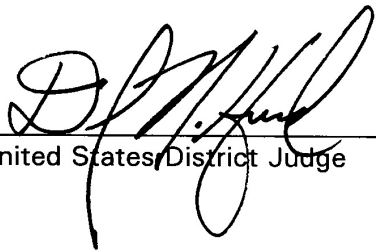
Based upon a de novo review of the entire file, including the portions of the Report-Recommendation to which plaintiff has objected, and the recommendations of Magistrate Judge Homer, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that the plaintiff's motion for summary judgment is DENIED.

IT IS SO ORDERED.

Dated: September 20, 2010
Utica, New York.



United States District Judge