

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

OMAR OCASIO,

Plaintiff,

**9:08-cv-51
(GLS/DRH)**

v.

F. DELUKE, C.O., Great Meadow Correctional Facility; **P. VANGUILDER**, Deputy of Security, Great Meadow Correctional Facility; **RICHARD ROY**, Inspector General; **D. BEEBE**, C.O.; **S. HAMEL**, C.O.; **T. LESPIER**, Sgt.; **C. MURRY**, Sgt.; **R. ARMSTRONG**, Lt.; **S. ROWE**, Captain; **JULIE DANIELS**, Inmate Grievance Coordinator; **M. HARRIS**, Nurse; **RICHARD A. DUNNING**, as Administrator of the Estate of Elaine Dunning; **GREAT MEADOW CORRECTIONAL FACILITY**, Medical Grievance Department; **LUCIEN LECLAIRE, JR.**; **EDWARD MCSWEENEY**; and **DONALD SELSKY**,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Omar Ocasio
Pro Se
2405 First Avenue, Apt. #5B
New York, NY 10035

FOR THE DEFENDANTS:

HON. ERIC T. SCHNEIDERMAN
New York State Attorney General
The Capitol
Albany, NY 12224

JAMES SEAMAN
ADAM SILVERMAN
Assistant Attorneys General

Gary L. Sharpe
District Court Judge

MEMORANDUM-DECISION AND ORDER

Pro se plaintiff Omar Ocasio, a former inmate at Great Meadow Correctional Facility, brings this action under 42 U.S.C. § 1983, alleging violations of his First, Eighth, and Fourteenth Amendment rights. (See Compl., Dkt. No. 1.) On September 1, 2009, defendants moved for summary judgment on Ocasio's claims. (Dkt. No. 129.) In a Report-Recommendation and Order (R&R) filed September 3, 2010, Magistrate Judge David R. Homer recommended that defendants' motion be granted and that Ocasio's claims be dismissed.¹ (Dkt. No. 158.) Pending are Ocasio's objections to the R&R. (Dkt. No. 162.) For the reasons that follow, the R&R is adopted in its entirety.

Before entering final judgment, this court routinely reviews all report and recommendation orders in cases it has referred to a magistrate judge. If a party has objected to specific elements of the magistrate judge's findings and recommendations, this court reviews those findings and

¹The Clerk is directed to append the R&R to this decision, and familiarity therewith is presumed.

recommendations de novo. *See Almonte v. N.Y. State Div. of Parole*, No. 04-cv-484, 2006 WL 149049, at *6-7 (N.D.N.Y. Jan. 18, 2006). In those cases where no party has filed an objection, or only a vague or general objection has been filed, this court reviews the findings and recommendations of a magistrate judge for clear error. *See id.*

Without specifying the legal or factual basis for his objections, Ocasio generally objects to Judge Homer's R&R. (See Objections at 2-4, Dkt. No. 162.) In light of Ocasio's nonspecific and vague objections, the court has reviewed the R&R for clear error and finds none. Accordingly, the court adopts Judge Homer's findings and recommendations and grants defendants' motion for summary judgment on Ocasio's claims.

WHEREFORE, for the foregoing reasons, it is hereby

ORDERED that Magistrate Judge David R. Homer's Report-Recommendation and Order (Dkt. No. 158) is **ADOPTED** and defendants' summary judgment motion (Dkt. No. 129) is **GRANTED**; and it is further

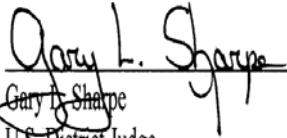
ORDERED that Ocasio's complaint is **DISMISSED** in its entirety; and it is further

ORDERED that the Clerk close this case and provide a copy of this Memorandum-Decision and Order to the parties by regular and certified

mail.

IT IS SO ORDERED.

Date: March 8, 2011
Albany, New York



Gary L. Sharpe
U.S. District Judge