UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

RODNEY BROWN,

Plaintiff,

- v -

Civ. No. 9:08-CV-085

A. SECORE and LT. GUERIN,

Defendants.

THOMAS J. McAVOY, Senior United States District Judge

DECISION & ORDER

I. INTRODUCTION

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. Andrew T. Baxter, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to the Report-Recommendation dated February 12, 2010 have been filed, and the time to do so has expired. Furthermore, after examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice. Accordingly, the Court adopts the Report-Recommendation for the reasons stated therein.

It is therefore,

ORDERED that Defendants' Motion for Summary Judgment (Dkt. No. 41) is

GRANTED and the action is DISMISSED in its entirety. The Clerk of the Court is instructed to enter judgment in favor of Defendants and to close the file in this matter.

IT IS SO ORDERED

DATED:March 15, 2010

Thomas J. Mc Avoy Senior, U.S. District Judge