

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RODNEY BROWN,

Plaintiff,

-v.-

Civil Action No.
9:08-cv-200 (GLS/ATB)

J. WHITE, Franklin Correctional
Facility,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

RODNEY BROWN
Plaintiff, *Pro Se*
485 Fountain Ave.
Apt. 7-D
Brooklyn, New York 11208

FOR THE DEFENDANTS:

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

DEAN J. HIGGINS, ESQ.

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Andrew T. Baxter, duly filed February 18, 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 February 18, 2010 is ACCEPTED in its entirety for the reasons state therein, and it is further

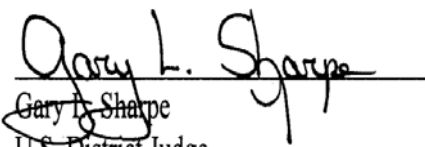
ORDERED, that defendant White's motion for summary judgment (Dkt. No. 44) is GRANTED and the complaint is DISMISSED IN ITS ENTIRETY, and it is further

ORDERED, that the Clerk enter judgment in favor of the defendant against the plaintiff, 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: March 15, 2010
Albany, New York


Gary L. Sharpe
U.S. District Judge