

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KEITH TERRELL BUTLER,

Plaintiff,

-against-

9:08-CV-0299 (LEK/GHL)

J. HYDE, T. DISHAW, T. HOWARD,
R. GILL, K. COMPO, J. BARSE,

Defendants.

APPEARANCES:

OF COUNSEL:

KEITH TERRELL BUTLER, 05-A-1392
Plaintiff *pro se*
Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13021

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

DAVID L. COCHRAN, ESQ.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on September 21, 2009 by the Honorable George H. Lowe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 45). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Plaintiff Butler, which were filed on September 25, 2009. Objections (Dkt. No. 47).

It is the duty of this Court to “make a de novo determination of those portions of the report

or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge... may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” Id. This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.

Accordingly, it is hereby

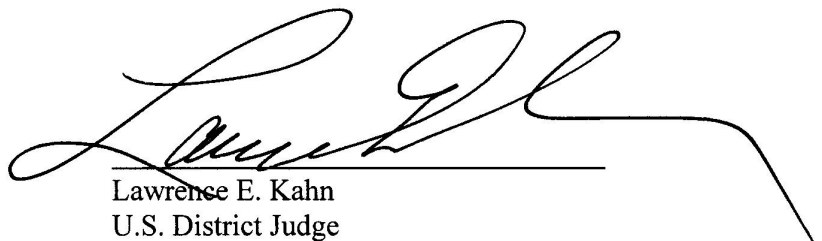
ORDERED, that the Report-Recommendation (Dkt. No. 45) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that Plaintiff’s Motion for summary judgment (Dkt. No. 30) be **DENIED**; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: September 29, 2009
Albany, New York



Lawrence E. Kahn
U.S. District Judge