

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

AROR ARK O'DIAH,
Plaintiff,

vs.

9:08-CV-0322

A. MAWHIR, Cayuga Correctional Facility;
P. BUTTARAZZI, Chief Physician, Cayuga
Correctional Facility Inmate Clinic;
JESUS FLORESCA, Chief Physician, Cayuga
Correctional Facility; K. STEVENSON,
Cayuga Correctional Facility Program
Coordinator; MARY WARNER, Nurse Administrator,
Cayuga Correctional Facility,

Defendants.

Thomas J. McAvoy,
Sr. U.S. District Judge

DECISION & ORDER

This *pro se* civil rights action pursuant to 42 U.S.C. § 1983 was referred to the Hon. Christian F. Hummel, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule N.D.N.Y. 72.3(c).

The Report-Recommendation dated September 5, 2012 recommended: (1) Defendants' motion for summary judgment be granted as to all claims and all defendants and the complaint be dismissed in its entirety; and (2) Plaintiff's cross-motion for summary judgment be dismissed.

Plaintiff filed timely objections to the Report-

Recommendation, essentially raising the same arguments presented to the Magistrate Judge.

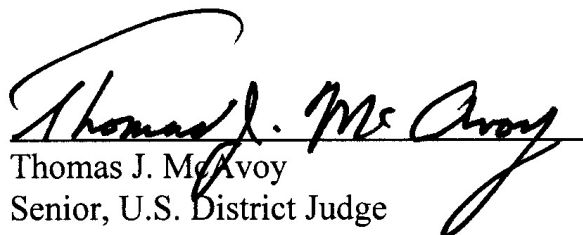
When objections to a magistrate judge's Report-Recommendation are lodged, the Court makes a "de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28 U.S.C. § 636(b)(1). After such a review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions." Id.

Having reviewed the record *de novo* and having considered the issues raised in the Plaintiff's objections, this Court has determined to accept and adopt in its entirety the recommendation of Magistrate Judge Hummel for the reasons stated in the Report-Recommendation.

It is therefore **ORDERED** that Defendants' motion for summary judgment be **GRANTED** as to all claims and all defendants and the complaint **DISMISSED** in its entirety, and Plaintiff's cross-motion for summary judgment be **DISMISSED**.

IT IS SO ORDERED.

Dated: September 26, 2012


Thomas J. McAvoy
Senior, U.S. District Judge