

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

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**DAVID McCHESNEY,**

**Plaintiff,**

**v.**

**9:08-CV-0563**

**MICHAEL HOGAN, DONALD SAWYER, DR.  
TERRI MAXYMILLIAN, JEFFREY NORWICKI,  
BILL OWENS, COREY CONNELLY, CHARMINE  
BILL, REGINA ANDERSON and THE  
TREATMENT TEAM,**

**Defendants.**

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**APPEARANCES:**

**OF COUNSEL:**

DAVID McCHESNEY  
#25527  
CNY Psychiatric Center  
PO Box 300  
Marcy, NY 13403-0300  
Plaintiff, *pro se*

HON. ANDREW M. CUOMO  
Office of Attorney General  
State of New York  
The Capitol  
Litigation Bureau  
Albany, NY 12224-0341  
Counsel for Defendants

DEAN J. HIGGINS, ESQ.  
Assistant Attorney General

**NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE**

**ORDER**

The above matter comes to me following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed on the 11<sup>th</sup> day of August 2010. Following 14 days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The Defendants' motion for summary judgment (Dkt. No. 34) is granted, and that plaintiff's complaint in this action is dismissed in all respects, with leave to replead.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

**IT IS SO ORDERED.**

Dated: September 2, 2010  
Syracuse, New York



Norman A. Mordue  
Chief United States District Court Judge