

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JOSEPH PAUL GUARNERI,

Plaintiff,

v.

No. 08-CV-792  
(TJM/DRH)

R.K. WOOD, Superintendent,  
Upstate Correctional Facility; *et al.*,

Defendants.

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THOMAS J. McAVOY,  
Senior United States District Judge

**DECISION & ORDER**

**I. DISCUSSION**

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. David R. Homer, 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 and Order dated September 2, 2011 have been filed, and the time to do so (including an extension) 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.

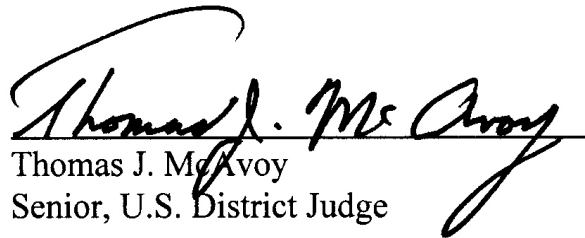
**II. CONCLUSION**

Accordingly, the Court **ADOPTS** the Report-Recommendation and Order for the reasons stated therein. Therefore, it is hereby

**ORDERED** that Defendants' motion for summary judgment (Dkt. No. 91) is **GRANTED** and all claims against all defendants are **DISMISSED**. The dismissal as to defendants Sergeant John Doe, Nurse Administrator Jane Doe, Medical Director John Doe and Soucia, Demarse, and Lusseve is without prejudice; the dismissal as to all other defendants is with prejudice. The Clerk is directed to enter judgment for all defendants on all claims and close the file in this matter.

**IT IS SO ORDERED**

**Dated:** September 30, 2011

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