

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CHRISTOPHER McCLOUD,

Plaintiff,

-against-

9:08-CV-0839 (LEK/ATB)

RICHARD ROY, Deputy Commissioner,  
Greene Correctional Facility; CHRISTOPHER  
TURRIGLIO, Correction Officer, MR. BEHRLE,  
Superintendent, Greene Correctional Facility;  
PHILIP HEATH, Deputy Superintendent, Greene  
Correctional Facility; MR. MIZGALA, Deputy  
Superintendent, Greene Correctional Facility;  
MRS. SMITH, Doctor, Greene Correctional  
Facility; JANE/JOHN DOES, Mail Clerks,  
Greene Correctional Facility,

Defendants.

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on February 22, 2010, by the Honorable Andrew T. Baxter, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. Dkt. No. 55.

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Baxter's Report-Recommendation. Furthermore, after examining the

record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

**ORDERED**, that the Report-Recommendation (Dkt. No. 55) is **APPROVED** and **ADOPTED** in its entirety; and it is further

**ORDERED**, that Plaintiff's Motions for partial summary judgment (Dkt. Nos. 36, 38, 43) are **DENIED**; and it is further

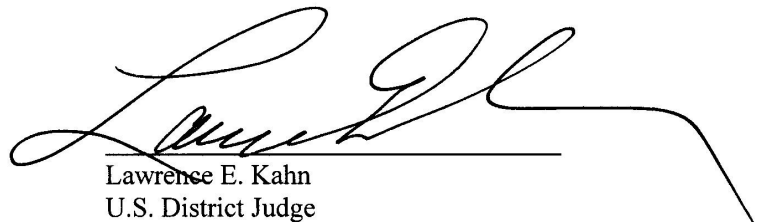
**ORDERED**, that Defendants' Motion for summary judgment (Dkt. No. 49) is **GRANTED**; and it is further

**ORDERED**, that Plaintiff's Complaint (Dkt. No. 1) in this action is **DISMISSED** in its entirety; and it is further

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

**IT IS SO ORDERED.**

DATED:        March 16, 2010  
                  Albany, New York

  
Lawrence E. Kahn  
U.S. District Judge