

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ISSAC MCDONALD,¹

Plaintiff,

-against-

9:08-CV-1036 (LEK/RFT)

BRIAN FISCHER, Commissioner, New York State Department of Correctional Services; EDWIN ELFELDT, Coordinator, Sex Offender Counseling and Treatment Program; JOSEPH T. SMITH, Superintendent, Shawangunk Correctional Facility; NEVILLE ANDREWS, Deputy Superintendent, Programs, Shawangunk Correctional Facility; ED RUDDER, Senior Counselor/Psychologist; DICK FITCHETT, Senior Counselor; BRIAN McCULLOUGH, Senior Counselor; JOHN TOWNLEY, Corrections Counselor/LMSW; and STACEY BODE, Clinical Social Worker II,

Defendants.

DECISION and ORDER

This matter comes before the Court following a Report-Recommendation filed on November 9, 2011 by the Honorable Randolph F. Treece, 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. 161).

Within fourteen days after a party has been served with a copy of a Magistrate Judge's

¹ Issac McDonald is the only remaining Plaintiff in this matter. The caption therefore includes only him and the remaining Defendants.

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 Magistrate Judge Treece’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:

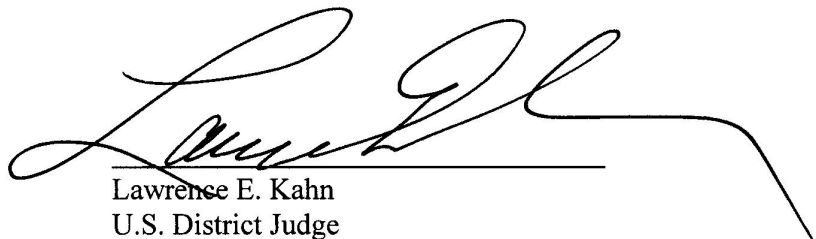
ORDERED, that the Report-Recommendation (Dkt. No. 161) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that Defendants’ Motion to Dismiss pursuant to FED. R.CIV. P. 37(b) and 41(b) (Dkt. No. 152) is **GRANTED** and this action is **DISMISSED**; and it is further

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

IT IS SO ORDERED.

DATED: January 05, 2012
Albany, New York



Lawrence E. Kahn
U.S. District Judge