

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DOUGLAS R. McCARROLL,

Plaintiff,

vs

9:08-CV-1343

FEDERAL BUREAU OF PRISONS; HARLEY G.
LAPPIN, Director; DEBORAH G. SCHULT, PhD.,
Warden of FCI Ray Brook; DR. DAWN MARINI,
Clinical Director of FCI Ray Brook; A. LESTER,
Medical Employee; and ROBERT S. MUELLER, III,

Defendants.

APPEARANCES:

DOUGLAS R. McCARROLL
Plaintiff, Pro Se
c/o Law Offices of Bruce Corrigan, Jr.
1853 Post Road East
Westport, CT 05880

HON. RICHARD S. HARTUNIAN
United States Attorney
for the Northern District of New York
P. O. Box 7198
100 South Clinton Street
Syracuse, New York 13261-5165

CHARLES E. ROBERTS, ESQ.
Assistant U.S. Attorney

DAVID N. HURD
United States District Judge

DECISION and ORDER

The above action was commenced in December 2008, pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). By Report-Recommendation dated September 30, 2010, the Honorable George H. Lowe, United States Magistrate Judge, recommended that the court: (1) dismiss plaintiff's request for injunctive

relief as moot as discussed in the March report on page eight; and (2) dismiss plaintiff's damages claims against all defendants on qualified immunity grounds and dismissing the action in its entirety. The plaintiff has filed objections to the Report-Recommendation.

Based upon a careful review of the file, including those portions to which plaintiff has objected;, and the recommendations of Magistrate Judge Lowe, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, it is


ORDERED that

1. Plaintiff's request for injunctive relief is DENIED;
2. Plaintiff's damages claims against all defendants are DISMISSED; and
3. This action is DISMISSED in its entirety.

The Clerk is directed to close the file.

IT IS SO ORDERED.

Dated: November 4, 2010
Utica, New York.


United States District Judge