

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JASON R. WHITE,

Plaintiff,

vs

9:09-CV-240

BRIAN FISCHER, Commissioner, Dept. of  
Correctional Services; THERESA A.  
KNAPP-DAVID, Director, Classification and  
Movement; and R. WOODS, Superintendent,  
Upstate Correctional Facility,

Defendants.

APPEARANCES:

OF COUNSEL:

JASON R. WHITE  
Plaintiff, pro se  
96-B-1280  
Elmira Correctional Facility  
Box 500  
Elmira, NY 14902

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for Defendants  
Department of Law  
The Capitol  
Albany, New York 12224

BRIAN J. O'DONNELL, ESQ.  
Asst. Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff, Jason R. White, commenced this civil rights action in February 2009, pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated January 25, 2009, the Honorable David E. Peebles, United States Magistrate Judge, recommended that defendant's motion to dismiss (Dkt. No. 10) be granted, and that plaintiff's complaint in this

action be dismissed without leave to replead. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Peebles, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

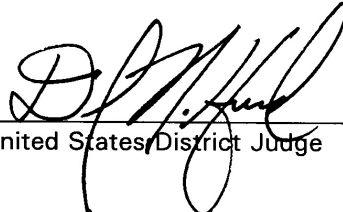
Accordingly, it is

ORDERED that

1. Defendant's motion to dismiss (Dkt. No. 10) is GRANTED;
2. Plaintiff's complaint in this action is DISMISSED without leave to replead; and
3. The Clerk is directed to file judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: February 18, 2010  
Utica, New York.



United States District Judge