

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JOHN SOLOMON

Plaintiff,

vs.

9:09-CV-0367 (NAM/DRH)

BRIAN FISCHER, *Commissioner, Department  
of Correctional Services*; and DARWIN  
LaCLAIR, *Superintendent, Franklin Correctional  
Facility*,

Defendants.

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**APPEARANCES:**

**OF COUNSEL:**

Bryan L. Ruple  
08-B-4050  
Wyoming Correctional Facility  
P.O. Box 501  
Attica, NY 14011  
Plaintiff, *Pro Se*

Hon. Andrew M. Cuomo  
Attorney General for the State of New York  
The Capitol  
Albany, New York 12224-0341  
Attorney for Defendants

Justin C. Levin, Esq.  
Assistant Attorney General

**Norman A. Mordue, Chief U. S. District Judge**

**ORDER**

The above matter comes to me following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed on the 21<sup>st</sup> day of July 2010. Following fourteen days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The defendants' motion to dismiss (Dkt. No. 19) is granted and the complaint is dismissed in its entirety. The Clerk shall enter judgment accordingly.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

**IT IS SO ORDERED.**

Dated: August 11, 2010  
Syracuse, New York

  
Norman A. Mordue  
Chief United States District Court Judge

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