

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

GARY GILLARD,

Plaintiff,

vs.

9:09-CV-0431 (TJM/DEP)

SCOTT HAMEL and PETER McNALLY,

Defendants.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION & ORDER

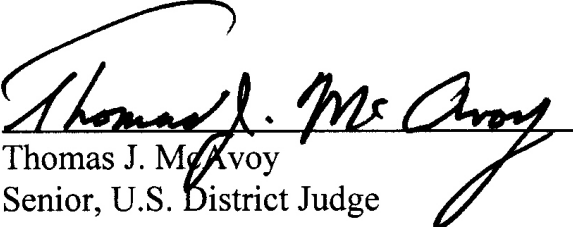
This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. David E. Peebles, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to the Report-Recommendation and Order dated February 24, 2012 have been filed, and the time to do so has expired. Furthermore, after examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice. Accordingly, the Court adopts the Report-Recommendation and Order for the reasons stated therein.

It is therefore,

ORDERED that Defendants' motion for summary judgment (Dkt. # 56) is **GRANTED**, and all claims in this action are **DISMISSED**.

IT IS SO ORDERED

DATED: March 21, 2012


Thomas J. McAvoy
Senior, U.S. District Judge