

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

FRANCIS HELMER, JR.,

Plaintiff,

v.

9:09-CV-0542 (LEK/DRH)

HERKIMER COUNTY JAIL  
ADMINISTRATOR; and SHANNON,  
Nurse, Herkimer County Jail,

Defendants.

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**ORDER**

This matter comes before the Court following a Report-Recommendation filed on February 24, 2011, by the Honorable David R. Homer, 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. 33).

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

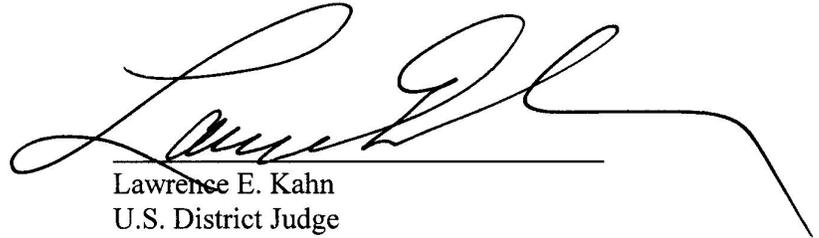
**ORDERED**, that the Report-Recommendation (Dkt. No. 33) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

**ORDERED**, that Defendants' Motion for summary judgment (Dkt. No. 24) is **GRANTED** and Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED** in its entirety; and it is further

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

**IT IS SO ORDERED.**

DATED:     March 17, 2011  
           Albany, New York



Lawrence E. Kahn  
U.S. District Judge