

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

FREDDIE HARRIS

Plaintiff,

-against-

9:09-CV-705 (LEK/GHL)

JUSTIN A. TAYLOR, JONATHAN
NOCERA, ALAN TAYLOR

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on July 14, 2010 by the Honorable George H. Lowe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 24). On July 26, 2010, Plaintiff Freddie Harris (“Plaintiff”) filed objections to Report-Recommendation. Dkt. No. 25 (“Objections”).

This Court is to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* Where, however, an objecting “party makes only conclusory or general objections, or simply reiterates his original arguments, the Court reviews the Report and Recommendation only for clear error.” *Farid v. Bouey*, 554 F. Supp. 2d 301, 307 (N.D.N.Y. 2008) (quoting *McAllan v. Von Essen*, 517 F. Supp. 2d 672, 679 (S.D.N.Y. 2007) (citations and quotations omitted); see also *Brown v. Peters*, No. 95-CV-1641, 1997 WL 599355, at *2-3 (N.D.N.Y. Sept. 22,

1997). “A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

The Court has considered the Objections, has undertaken a de novo review of the record, and has determined that the Report-Recommendation should be approved for the reasons stated therein.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 24) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that Plaintiff’s Motion for summary judgment (Dkt. No. 19) is **DENIED**, and it is further

ORDERED, Defendants’ Cross-Motion for summary judgment (Dkt. No. 20) is **GRANTED**, and it is further

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

IT IS SO ORDERED.

DATED: July 29, 2010
Albany, New York



Lawrence E. Kahn
U.S. District Judge