

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

DERRICK BROOKS,

Plaintiff,

**9:09-cv-743
(GLS/RFT)**

v.

**MICHAEL HOGAN, Commissioner,
O.M.H., et al.,**

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Derrick Brooks
Pro Se
#172543
Central New York Psychiatric Center
P.O. Box 300
Marcy, NY 13403

FOR THE DEFENDANTS:

HON. ERIC T. SCHNEIDERMAN
New York State Attorney General
The Capitol
Albany, NY 12224

DOUGLAS J. GOGLIA
Assistant Attorney General

**Gary L. Sharpe
Chief Judge**

MEMORANDUM-DECISION AND ORDER

I. Introduction

Plaintiff *pro se* Derrick Brooks commenced this action under 42

U.S.C. § 1983, alleging that his constitutional rights were violated when he was strip-searched at the Central New York Psychiatric Center (CNYPC), where he resides. (Am. Compl., Dkt. No. 31.) Following dismissal of several defendants and causes of action, (see Dkt. Nos. 26, 34), the remaining defendants moved for summary judgment pursuant to Fed. R. Civ. P. 56, (see Dkt. No. 60). In a Report-Recommendation and Order (R&R) dated January 31, 2013, Magistrate Judge Randolph F. Treece recommended that defendants' motion be granted.¹ (See Dkt. No. 67.) Pending is Brooks' objection to the R&R. (See Dkt. No. 69.) For the reasons that follow, the R&R is adopted in its entirety.

II. Standard of Review

Before entering final judgment, this court routinely reviews all report and recommendation orders in cases it has referred to a magistrate judge. If a party has objected to specific elements of the magistrate judge's findings and recommendations, this court reviews those findings and recommendations *de novo*. See *Almonte v. N.Y. State Div. of Parole*, No. 04-cv-484, 2006 WL 149049, at *6-7 (N.D.N.Y. Jan. 18, 2006). In those

¹ The Clerk is directed to append the R&R to this decision, and familiarity therewith is presumed.

cases where no party has filed an objection, or only a vague or general objection has been filed, this court reviews the findings and recommendations of the magistrate judge for clear error.² *See id.*

III. Discussion

Despite being filed as an objection to Judge Treece's R&R, Brooks' March 12, 2013 submission is, in fact, a near-verbatim recitation of his earlier-filed response in opposition to defendants' motion for summary judgment. (*Compare* Dkt. No. 65, *with* Dkt. No. 69.) As such, Brooks' "objection" is insufficient to compel *de novo* review. Having reviewed Judge Treece's R&R for clear error, and finding none, the court accepts and adopts the R&R in its entirety.

IV. Conclusion

WHEREFORE, for the foregoing reasons, it is hereby

ORDERED that Magistrate Judge Treece's January 31, 2013 Report-Recommendation (Dkt. No. 67) is **ADOPTED** in its entirety; and it is further

ORDERED that defendants' motion for summary judgment (Dkt. No. 60) is **GRANTED**; and it is further

² "[A] report is clearly erroneous if the court determines that there is a mistake of fact or law which is obvious and affects substantial rights." *Almonte*, 2006 WL 149049, at *6.

ORDERED that Brooks' Amended Complaint (Dkt. No. 31) is
DISMISSED; and it is further
ORDERED that the Clerk close this case; and it is further
ORDERED that the Clerk provide a copy of this Memorandum-
Decision and Order to the parties.

IT IS SO ORDERED.

March 28, 2013
Albany, New York


Gary L. Sharpe
Chief Judge
U.S. District Court