

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

SIDNEY E. PURDIE,

Plaintiff,

v.

**9:09-CV-951
(FJS/ATB)**

**JUDITH T. RICE, Supervisor, Administrative
Mail Room, Auburn Correctional Facility;
HAROLD D. GRAHAM, Superintendent, Auburn
Correctional Facility; and JOHN DOE, Law
Library Officer,**

Defendants.

APPEARANCES

OF COUNSEL

**SIDNEY E. PURDIE
06-A-3298**

Clinton Correctional Facility
P.O. Box 2002
Dannemora, New York 12929
Plaintiff *pro se*

**OFFICE OF THE NEW YORK
STATE ATTORNEY GENERAL**

The Capitol
Albany, New York 12224
Attorneys for Defendants

MEGAN M. BROWN, AAG

SCULLIN, Senior Judge

ORDER

In a Report-Recommendation dated July 14, 2010, Magistrate Judge Baxter recommended that the Court grant Defendants' motion to dismiss the amended complaint and dismiss Plaintiff's amended complaint in its entirety with prejudice. *See* Dkt. No. 31. Plaintiff

filed objections to the Report-Recommendation, essentially raising the same arguments that he presented to Magistrate Judge Baxter. *See* Dkt. No. 33.

When a party files specific objections to a magistrate judge's report-recommendation, the district court makes 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)(1). However, when a party files "[g]eneral or conclusory objections or objections which merely recite the same arguments [that he presented] to the magistrate judge," the court reviews those recommendations for clear error. *O'Diah v. Mawhir*, No. 9:08-CV-322, 2011 WL 933846, *1 (N.D.N.Y. Mar. 16, 2011) (citations and footnote omitted). After the appropriate review, "the court 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).

Despite the conclusory nature of most of Plaintiff's objections, the Court has reviewed the record *de novo* in light of the issues that Plaintiff raised in those objections. Having completed that review, the Court finds his objections to be without merit.

Accordingly, the Court hereby

ORDERS that Magistrate Judge Baxter's July 14, 2010 Report-Recommendation is **ACCEPTED** in its entirety for the reasons stated therein; and the Court further

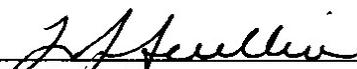
ORDERS that Defendants' motion to dismiss is **GRANTED** and Plaintiff's amended complaint is **DISMISSED** with prejudice; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendants and

close this case.

IT IS SO ORDERED.

Dated: March 31, 2011
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge