

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JEFFREY DESIR,

Plaintiff,

-v-

9:09-CV-0964

DEPARTMENT OF CORRECTIONS AND
COMMUNITY SUPERVISION; BRIAN FISCHER;
LEO BISCEGLIA; DEMMONS; FRECHETTE;
LAW; BUCK; and CAPT. WOODRUFF,

Defendants.

APPEARANCES:

OF COUNSEL:

JEFFREY DESIR
Plaintiff pro se
1601 Beverly Road, Apt. 1-G
Brooklyn, NY 11226

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

MEGAN M. BROWN, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff brought this civil rights action pursuant to 42 U.S.C. § 1983. On January 4, 2011, the Honorable George H. Lowe, United States Magistrate Judge, advised, by Report-Recommendation, that defendants' motion pursuant to Federal Rule of Civil Procedure 37(b)

to dismiss or strike the complaint as a sanction for plaintiff's failure to attend two scheduled depositions be granted. Plaintiff timely filed objections to the Report-Recommendation.

Based upon a de novo review, the Report-Recommendation is accepted in whole.

See 28 U.S.C. 636(b)(1).

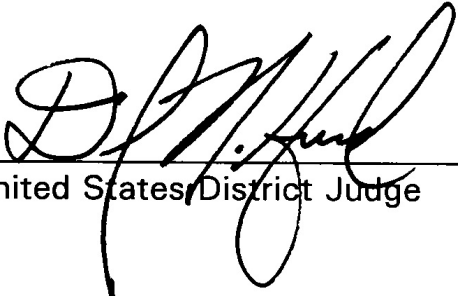
Therefore it is

ORDERED that

Defendants' motion to dismiss is GRANTED.

The Clerk is directed to file a judgment dismissing the complaint and close the file.

IT IS SO ORDERED.



United States District Judge

Dated: February 3, 2012
Utica, New York.