

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SAMUEL CALLOWAY,

Plaintiff,

v.

9:09-CV-1354  
(TJM/GHL)

SGT. CHARLES GRIMSHAW,  
a/k/a Grinnhan,

Defendant.

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THOMAS J. McAVOY,  
Senior United States District Judge

**DECISION & ORDER**

**I. INTRODUCTION**

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. George H. Lowe, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to the Report-Recommendation and Order dated August 10, 2011 have been filed, and the time to do so has expired. Furthermore, after examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice.

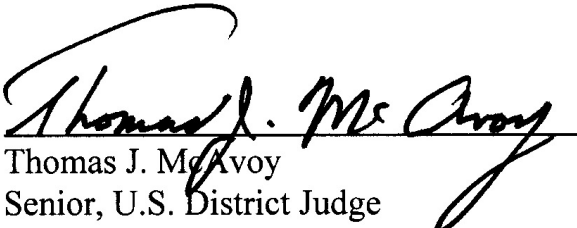
**II. CONCLUSION**

Accordingly, the Court **ADOPTS** the Report-Recommendation and Order for the reasons stated therein. Therefore, it is hereby

**ORDERED** that Defendant's motion for summary judgment (Dkt. # 30) is  
**GRANTED** and the Complaint is **DISMISSED**.

**IT IS SO ORDERED**

Dated: September 15, 2011

  
Thomas J. McAvoy  
Senior, U.S. District Judge