

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

BRANDON MCFADDEN,

Plaintiff,

vs.

9:09-CV-1415

CHAD FINTON,

Defendant.

**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. Andrew T. Baxter, 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 Magistrate Judge Baxter's Report-Recommendation [dkt. # 64] have been filed, and the time to do so has expired.

II. DISCUSSION

After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

III. CONCLUSION

Accordingly, the Court **ADOPTS** the Report-Recommendation [dkt. # 64] for the reasons stated therein. Defendants' motion for summary judgment [dkt. # 62] is

GRANTED, and the complaint is **DISMISSED IN ITS ENTIRETY**.

IT IS SO ORDERED.

Dated: June 20, 2014

