

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

GEORGE MORAN PRICE,

Plaintiff,

-against-

9:10-CV-00181 (LEK/GHL)

GLENN GOORD; HENRY LEMONS, JR.,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on March 10, 2011, by the Honorable George H. Lowe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 23).

Within fourteen days after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1(c). No objections have been raised in the allotted time with respect to Magistrate Judge Lowe's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby:

ORDERED, that the Report-Recommendation (Dkt. No. 23) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

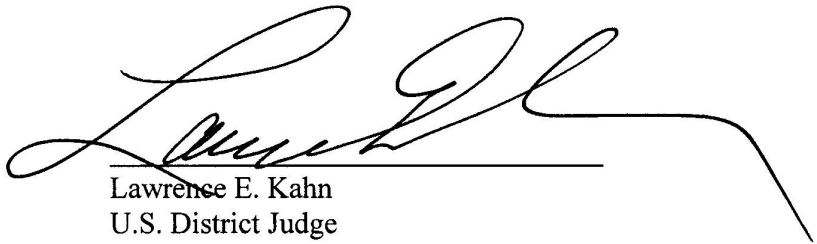
ORDERED, that Defendants' Motion to dismiss for failure to state a claim (Dkt. No. 15) is **GRANTED** with prejudice with respect to Defendant Goord and Defendant Lemons in their official capacities, but with leave to amend with respect to Defendant Goord and Defendant Lemons in their

individual capacities; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: April 29, 2011
Albany, New York



Lawrence E. Kahn
U.S. District Judge