

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

---

**KURT PHILIP, also known as Kurt Phillip,**

**Plaintiff,**

**v.**

**9:10-CV-643  
(FJS/TWD)**

**WILLIAM D. BROWN, Superintendent,  
Eastern Correctional Facility and  
YASIN LATIF, Imaam and Coordinating  
Chaplin of Eastern Correctional Facility,**

**Defendants.**

---

**APPEARANCES**

**OF COUNSEL**

**KURT PHILIP, also known as Kurt Phillip**  
**99-A-3711**  
Chantimelle  
St. Patrick's  
Grenada, West Indies  
Plaintiff *pro se*

**OFFICE OF THE NEW YORK  
STATE ATTORNEY GENERAL**  
The Capitol  
Albany, New York 12224  
Attorneys for Defendants

**CHARLES J. QUACKENBUSH, AAG**

**SCULLIN, Senior Judge**

**ORDER**

Currently before the Court is Magistrate Judge Dancks' March 13, 2012 Report-Recommendation, in which she recommended that this Court deny Plaintiff's motion for summary judgment and grant Defendants' cross-motion for summary judgment. The parties did not file any objections to these recommendations.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, \*10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Dancks' March 13, 2012 Report-Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

**ORDERS** that Magistrate Judge Dancks' March 13, 2012 Report-Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

**ORDERS** that Plaintiff's motion for summary judgment is **DENIED**; and the Court further

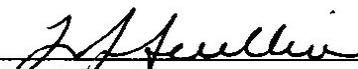
**ORDERS** that Defendants' cross-motion for summary judgment is **GRANTED**; and the Court further

**ORDERS** that the Clerk of the Court shall enter judgment in favor of Defendants and close this case; and the Court further

**ORDERS** that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

Dated: April 5, 2012  
Syracuse, New York

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