

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

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**GEORGE WHITE,**

**Plaintiff,**

**vs.**

**9:10-cv-721  
(MAD/GHL)**

**L. SEARS, DOCTOR CHOLOM, DOCTOR  
ALI, and NURSE MONTROY,**

**Defendants.**

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**APPEARANCES:**

**OF COUNSEL:**

**GEORGE WHITE**

138 Larkspur Lane  
Locus Grove, Virginia 22508  
Plaintiff *pro se*

**WILLIAM J. MCCARTHY, JR., AAG**

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

**Mae A. D'Agostino, U.S. District Judge:**

**ORDER**

On June 21, 2010, plaintiff *pro se* filed the present action, alleging that he was denied adequate medical care in deliberate indifference to his serious medical needs in violation of his Eighth Amendment rights. *See* Dkt. No. 1. In a Report-Recommendation-Order dated June 20, 2011, Magistrate Judge Lowe recommended that the Court grant defendants' motions to dismiss and that the Court allow plaintiff to file an amended complaint within thirty (30) days of this Court's order adopting his recommendations. *See* Dkt. No. 22. Plaintiff failed to object to Magistrate Judge Lowe's Report-Recommendation-Order.

When a party files specific objections to a magistrate judge's report-recommendation, the district court makes a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). When a party fails to make specific objections, however, the court reviews the magistrate judge's report for clear error. *See Farid v. Bouey*, 554 F. Supp. 2d 301, 307 (N.D.N.Y. 2008); *see also Gamble v. Barnhart*, No. 02CV1126, 2004 WL 2725126, \*1 (S.D.N.Y. Nov. 29, 2004) (citations omitted). After the appropriate review, "the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).

Having reviewed Magistrate Judge Lowe's June 20, 2011 Report-Recommendation-Order and the applicable law, the Court concludes that Magistrate Judge Lowe correctly determined that plaintiff's complaint fails to state claim.

Accordingly, the Court hereby

**ORDERS** that Magistrate Judge Lowe's June 20, 2011 Report-Recommendation-Order is **ADOPTED** in its entirety for the reasons stated therein; and the Court further

**ORDERS** that defendants' motions to dismiss the complaint (Dkt. Nos. 16, 20) are **GRANTED**; and the Court further

**ORDERS** that plaintiff may file an amended complaint within **THIRTY (30) DAYS** of the date of this Order; and the Court further

**ORDERS** that, if plaintiff fails to file an amended complaint within **THIRTY (30) DAYS** of the date of this Order, the Clerk of the Court shall enter judgment dismissing this action without further order of this Court; and the Court further

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

**IT IS SO ORDERED.**

Dated: July 12, 2011  
Albany, New York

  
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Mae A. D'Agostino  
U.S. District Judge