

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

LATEE ROBINSON,

Plaintiff,

-against-

9:10-CV-0993 (LEK/DRH)

SGT. ROME, Prison Watch Commander;  
CHASE; THOPMAS, # Sergeant;  
BISHOP, Shield # Sergeant; D. GREENE,  
Shield # Co.; R. BESSETTE, Shield #  
Co.; TEN JOHN DOE, Shield # Co.;  
JOHN DOE, # Lt. watch commd.; JOHN  
DOES, Shield # Superintendent;  
GARNEAU, Shield # RN; STURGER,  
Shield # RN Medical; ATKINSON,  
Shield # RN medical; JOHNSTON,  
Shield # DR P.A. medical; and  
CRAIG ROWE,

Defendants.

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**DECISION and ORDER**

This matter comes before the Court following a Report-Recommendation filed on February 10, 2012 by the Honorable David R. Homer, 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. 41).

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. No objections have been raised in the allotted time with respect to Magistrate Judge Homer’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. 41) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further


**ORDERED**, that Defendants' Motion to dismiss (Dkt. No. 32) is **GRANTED** as to: (1) all claims against Defendants in their official capacities; (2) any First Amendment claims in conjunction with allegations of retaliation and the filing of false misbehavior reports with respect to defendants Chase, Bishop, Bessette, and Greene; and (3) all claims against Defendant Johnston; all such claims are therefore **DISMISSED**; and it is further

**ORDERED**, that Defendants' Motion to dismiss (Dkt. No. 32) is **DENIED** in all other respects; and it is further

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

**IT IS SO ORDERED.**

DATED:        March 09, 2012  
                  Albany, New York

  
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Lawrence E. Kahn  
U.S. District Judge