

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

DOUGLAS HOUSTON,¹

Plaintiff,

v.

9:10-CV-1009
(NAM/RFT)

LESTER N. WRIGHT, M.D., M.P.H., New York State
DOCS, Health Services, DOCTOR JOHNSON, Clinton
Correctional Facility Health Services, JOHN DOE, Nurse
Assistant, Clinton Correctional Facility, Health Services,

Defendants.

APPEARANCES:

OF COUNSEL:

DOUGLAS HOUSTON
06-A-2860
Five Points Correctional Facility
Caller Box 119
Romulus, NY 14541
Plaintiff, *pro se*

HON. ERIC T. SCHNEIDERMAN
Attorney General of the State of New York
The Capitol
Albany, NY 12224
Counsel for Defendants

BRIAN J. O'DONNELL, ESQ.
Assistant Attorney General

NORMAN A. MORDUE, SENIOR U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge

¹Plaintiff consistently signs his name as "Houston Douglas," however, Plaintiff's name is listed as "Douglas Houston" on the Department of Corrections and Community Supervision ("DOCCS") website, *available at* <http://nysdocslookup.doccsny.gov> (last viewed on August 28 2013, for DIN # 06-A-2860), Court's Case Management/Electronic Case Filing System as well as in all of Defendant's papers. Therefore, we refer to Plaintiff as "Douglas Houston."

Randolph F. Treece, duly filed on the 29th day of August 2013. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

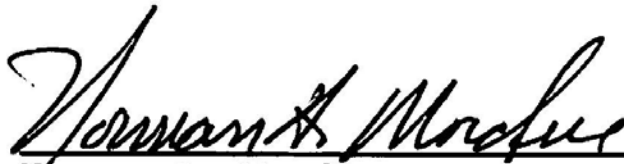
After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The defendants' motion for summary judgment (Dkt. No. 52) is granted as to plaintiff's deliberate indifference claim against defendant Johnson, and denied as to plaintiff's conditions of confinement claim against defendant Johnson. Defendants Doe and Wright are dismissed from this action.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: September 27, 2013
Syracuse, New York


Norman A. Mordue
Senior U.S. District Judge