

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

VICTOR WOODARD,

Plaintiff,

-v-

9:10-CV-1121

CAPTAIN R. SHANLEY and ALBERT PRACK,

Defendants.

APPEARANCES:

OF COUNSEL:

PRISONERS LEGAL SERVICES OF
NEW YORK

JAMES M. BOGIN, ESQ.

Attorneys for Plaintiff
41 State Street
M112
Albany, NY 12207

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

C. HARRIS DAGUE, ESQ.
KEVIN P. HICKEY, ESQ.
Ass't Attorneys General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff brought this civil rights action pursuant to 42 U.S.C. § 1983. On December 7, 2011, the Honorable David R. Homer, United States Magistrate Judge, advised, by Report-Recommendation, that defendants' motion for judgment on the pleadings be granted and plaintiff's motion for summary judgment be denied. Plaintiff timely filed objections to the Report-Recommendation.

Based upon a de novo review, the Report-Recommendation is accepted in whole.

See 28 U.S.C. 636(b)(1).

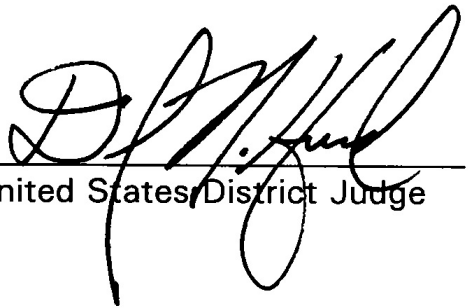
Therefore it is

ORDERED that

1. Defendants' motion for judgment on the pleadings is GRANTED; and
2. Plaintiff's motion for summary judgment is DENIED.

The Clerk is directed to file a judgment dismissing the complaint and close the file.

IT IS SO ORDERED.



United States District Judge

Dated: December 29, 2011
Utica, New York.