

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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THOMAS DORSEY,

Plaintiff,

v.

9:10-CV-1196  
(GTS/TWD)

MR. JEFF NOWICKI, Chief of Mental Health  
Services; DR. KASKIW, Facility Physician;  
MS. CHARMAINE BILL, Treatment Team  
Leader; MR. DONALD SCAGEL, Ward Nurse;  
and MR. RYAN BRENNAN, S.C.T.A. Staff,

Defendants.

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APPEARANCES:

OF COUNSEL:

THOMAS DORSEY  
Plaintiff, *Pro Se*  
1363 Echo Lake Lane  
Rocky Mount, North Carolina 27803

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

DEAN J. HIGGINS, ESQ.  
Assistant Attorney General

HON. GLENN T. SUDDABY, United States District Judge

**MEMORANDUM-DECISION and ORDER**

Currently before the Court, in this *pro se* prisoner civil rights action filed by Thomas Dorsey (“Plaintiff”) against the five above-named correctional employees (“Defendants”), are the following: (1) Defendants’ motion to compel Plaintiff’s attendance at his deposition and for the imposition of monetary sanctions against Plaintiff for previously failing to appear for his deposition, pursuant to Fed. R. Civ. P. 37(b)(2)(C) and 37(d)(3) (Dkt. No. 22); (2) Plaintiff’s response to the motion, advising the Court that he no longer wishes to pursue this action (Dkt.

No. 25); and (3) United States Magistrate Judge Therese Wiley Dancks' Report-Recommendation recommending that Defendants' motion be denied as moot and that Plaintiff's Complaint be dismissed in its entirety with prejudice (Dkt. No. 28). Plaintiff has not filed an Objection to the Report-Recommendation, and the deadline to do so has expired. Based on a clear-error review of the Report-Recommendation, the Court accepts and adopts the Report-Recommendation in its entirety for the reasons stated therein. *See* 28 U.S.C. § 636(b).

**ACCORDINGLY**, it is

**ORDERED** that Magistrate Judge Dancks' Report-Recommendation (Dkt. No. 28) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

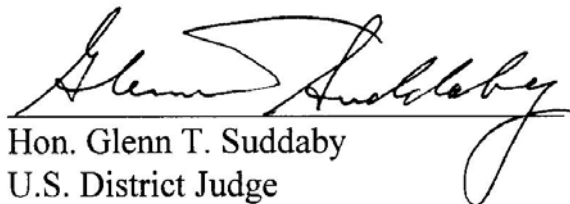
**ORDERED** that Defendants' motion to compel and for sanctions (Dkt. No. 22) is **DENIED** as moot; and it is further

**ORDERED** that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED** with prejudice.

The Clerk's Office is directed to close this action.

The Court hereby certifies, for purposes of 28 U.S.C. § 1915(a)(3), that any appeal taken from this Decision and Order would not be taken in good faith.

Dated: June 29, 2012  
Syracuse, New York

  
Hon. Glenn T. Suddaby  
U.S. District Judge