

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

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**JOHN VELEZ,**

**Plaintiff,**

**-against-**

**9:10-CV-1570**

**SYRACUSE UNIVERSITY HOSPITAL, et al.,**

**Defendants.**

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**DECISION & ORDER**

**Thomas J. McAvoy, S.U.S.D.J.:**

This action, brought pursuant to 42 U.S.C. § 1983, was referred by this Court to the Honorable George H. Lowe, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

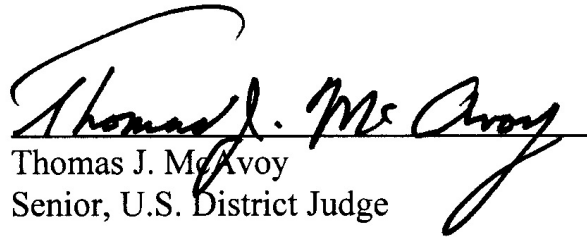
In the Report-Recommendation, Magistrate Judge Lowe recommends that Defendants' motion to dismiss be granted with leave to amend the claims against the individual defendants only. No objections to the Report-Recommendation dated January 23, 2012 have been filed. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein.

For the foregoing reasons, the Court ADOPTS the Report and Recommendation and allows Plaintiff thirty days to file and serve an Amended Complaint as against the individual defendants only (i.e., not against Syracuse University Hospital Science Center,

the Department Of Correction Services, Elmira Correctional Facility, Comstock Correctional Facility, Green Haven Correctional Facility, or Auburn Correctional Facility.).

**IT IS SO ORDERED.**

Dated: March 2, 2012

  
Thomas J. McAvoy  
Senior, U.S. District Judge