

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

JOSEPH J. BELILE,

Plaintiff,

-against-

9:11-CV-0092

C.O. GRIFFIN, *et al.*,

Defendants.

**THOMAS J. McAVOY
Senior United States District Judge**

DECISION & ORDER

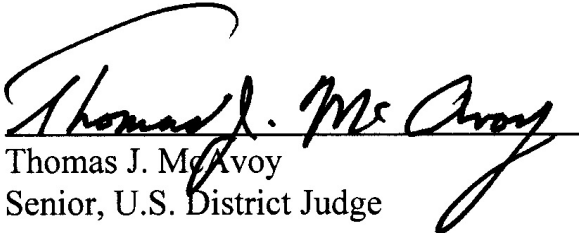
This action, brought pursuant to 42 U.S.C. § 1983, was referred by this Court to the Honorable David E. Peebles, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to the Report-Recommendation have been filed.

In a Report-Recommendation dated February 12, 2013, Magistrate Judge Peebles recommended that Defendants' motion for summary judgment be granted for failure to exhaust administrative remedies, and that Plaintiff's amended complaint be dismissed in its entirety, including any asserted claims against Defendant John Doe #1. Further, this Court was notified that Plaintiff was released to parole on December 21, 2012. This Court's efforts to send Plaintiff a copy of the Report-Recommendation failed, and Plaintiff has failed to update his address with this Court pursuant to Local Rule 10.1. 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-Recommendation in its entirety. It is therefore ordered that Defendants' motion for summary judgment is GRANTED and Plaintiff's amended complaint is DISMISSED in its entirety.

IT IS SO ORDERED.

Dated: March 27, 2013


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