

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

FRANCIS HELMER, JR.

Plaintiff,

-v-

9:11-CV-0295

M. HOY, Correctional Sergeant, Great Meadow
Correctional Facility; JOHN SERRELL, Correctional
Officer, Great Meadow Correctional Facility; and
A. TORRES formerly known as John Doe,

Defendants.

APPEARANCES:

OF COUNSEL:

FRANCIS HELMER, JR.,
Plaintiff pro se
08-A-4467
Five Points Correctional Facility
Caller Box 119
Romulus, NY 14541

HON. ERIC T. SCHNEIDERMAN
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JAMES B. McGOWAN, 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 July 26, 2013, the Honorable David E. Peebles, United States Magistrate Judge, advised, by Report-Recommendation, that defendants' motion for summary judgment be granted and that

plaintiff's complaint be dismissed in its entirety, based upon plaintiff's failure to exhaust available administrative remedies before commencing this action. Plaintiff timely filed objections to the Report-Recommendation.

Based upon a de novo review of the portions of the Report-Recommendation to which plaintiff objected, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. § 636(b)(1).

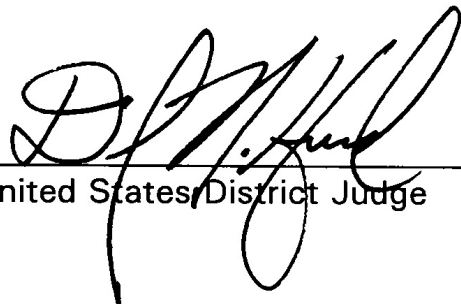
Therefore, it is

ORDERED that

1. Defendants' motion for summary judgment is GRANTED; and
2. Plaintiff's complaint is DISMISSED in its entirety.

The Clerk is directed to file judgment accordingly and close the file.

IT IS SO ORDERED.



United States District Judge

Dated: September 10, 2013
Utica, New York.