

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JERRY BOWENS

Plaintiff,

-v.-

Civil Action No.  
9:11-cv-784 (GLS/ATB)

JOSEPH T. SMITH, Superintendent;  
Shawangunk Correctional Facility

Defendant.  
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APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

JERRY BOWENS  
09-A-5598  
Plaintiff *Pro Se*  
Clinton Correctional Facility  
P.O. Box 2002  
Dannemora, New York 12929

**FOR THE DEFENDANT:**

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

RICHARD LOMBARDO, ESQ.  
Assistant Attorney General

GARY L. SHARPE,  
CHIEF JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Andrew T. Baxter, duly filed December 15, 2014. Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED that the Report-Recommendation of Magistrate Judge Andrew T. Baxter filed December 15, 2014 (Dkt. No. 52) is ACCEPTED in its entirety for the reasons stated therein; and it is further

ORDERED that defendant's motion for summary judgment (Dkt. No. 48) is GRANTED and the complaint is DISMISSED IN ITS ENTIRETY; and it is further

ORDERED that the Clerk close this case and provide a copy of this Order to the parties in accordance to the local rules.

IT IS SO ORDERED.

Dated: January 16, 2015  
Albany, New York

  
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Gary L. Sharpe  
Chief Judge  
U.S. District Court