

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BOOKER WILSON,

Plaintiff,

9:11-CV-1088

-v-

DONALD DEPOLO, Woodbourne Correctional
Facility,

Defendant.

APPEARANCES:

OF COUNSEL:

Booker Wilson, Pro Se
03-A-4856
Livingston Correctional Facility
P.O. Box 91
Sonyea, NY 14556

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

JAMES SEAMAN, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff brought this action pursuant to 42 U.S.C. § 1983. On March 21, 2012, the Honorable Andrew T. Baxter, United States Magistrate Judge, advised, by Report-Recommendation, that defendant's motion to dismiss be granted and plaintiff's complaint be dismissed in its entirety. No objections to the Report-Recommendation were filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. 636(b)(1).

Therefore it is

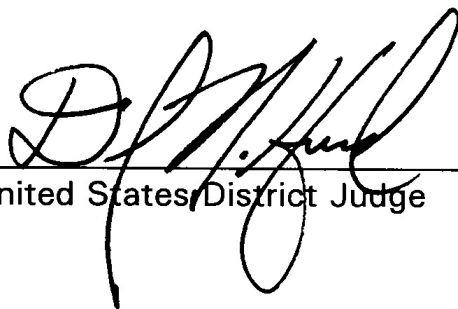
ORDERED that

1. Defendant's motion to dismiss is GRANTED; and
2. Plaintiff's complaint is DISMISSED with prejudice.

The Clerk is directed to file a judgment dismissing the complaint and close the file.

IT IS SO ORDERED.

Dated: April 19, 2012
Utica, New York.



United States District Judge