

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHNNY WASHINGTON, a/k/a
JOHNNIE P. WASHINGTON ,

Plaintiff,

v.

9:11-CV-1137

T. FAROOKI, Dentist, Clinton Correctional
Facility; R. OLIVEIRA, Dentist, Clinton
Correctional Facility; DORIS, Clerk/Call-Out,
Clinton Correction Facility

Defendants¹.

THOMAS J. McAVOY
United States District Judge

DECISION and ORDER

This matter brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. Christian F. Hummel, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

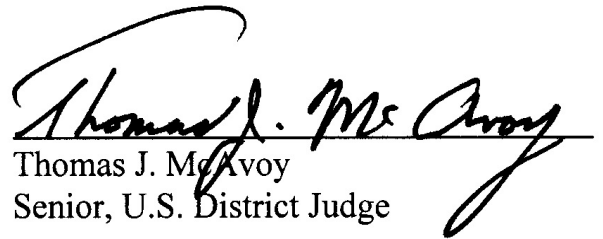
No objections to the May 15, 2013 Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein.

¹ For the reasons outlined in Magistrate Judge Hummel's Report and Recommendation, any and all claims against Defendant "Doris" have been dismissed from this action.

It is, therefore, ORDERED that Defendants' Motion for Summary Judgement, Dkt. No. 51, be **DENIED**; and upon *sua sponte* review by the Court any First Amendment claims asserted by Plaintiff² are **DISMISSED** from this action.

IT IS SO ORDERED.

Dated: July 2, 2013


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

²In liberally construing Plaintiff's Complaint, Magistrate Judge Hummel found a potential First Amendment claim in Plaintiff's Complaint. This claim was not addressed by Defendants, but, upon review, is found to be without merit.