

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

RICHARD KEARNEY,

Plaintiff,

9:11-CV-1281  
(GTS/TWD)

v.

N.Y.S. D.O.C.S.; and DR. KARANDY, Facility  
Health Servs. Dir., Great Meadow Corr. Facility,

Defendants.

---

APPEARANCES:

OF COUNSEL:

RICHARD KEARNEY, 03-A-4948

Plaintiff, *Pro Se*

Green Haven Correctional Facility

P.O. Box 4000

Stormville, New York 12582

HON. ERIC T. SCHNEIDERMAN

Attorney General for the State of New York

Counsel for Defendants

The Capitol

Albany, New York 12224

C. HARRIS DAGUE, ESQ.

Assistant Attorney General

GLENN T. SUDDABY, United States District Judge

**DECISION and ORDER**

Currently before the Court, in this *pro se* prisoner civil rights action filed by Richard Kearney (“Plaintiff”) against the above-captioned entity and individual (“Defendants”), are (1) Defendants’ motion for summary judgment, (2) United States Magistrate Judge Therese Wiley Dancks’ Report-Recommendation recommending that Defendants’ motion be granted, and (3) Plaintiff’s Objection to the Report-Recommendation. (Dkt. Nos. 27, 37, 38.) After carefully reviewing the relevant filings in this action, the Court can find no error in the Report-Recommendation, clear or otherwise: Magistrate Judge Dancks employed the proper standards,

accurately recited the facts, and reasonably applied the law to those facts. As a result, the Court accepts and adopts the Report-Recommendation for the reasons stated therein. (Dkt. No. 37.)

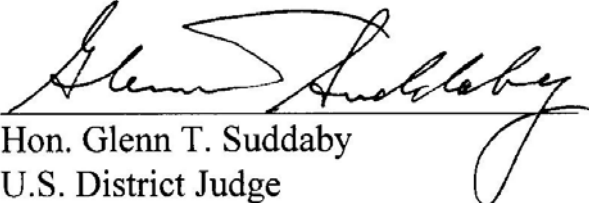
**ACCORDINGLY**, it is

**ORDERED** that Magistrate Judge Dancks' Report-Recommendation (Dkt. No. 37) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

**ORDERED** that Defendants' motion for summary judgment (Dkt. No. 27) is **GRANTED** in its entirety; and it is further

**ORDERED** that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED**. The Clerk is directed to enter judgment in favor of the defendants and close this case.

Dated: September 27, 2013  
Syracuse, New York

  
Hon. Glenn T. Suddaby  
U.S. District Judge