UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK		
JAMEL KING,		
-V-	Plaintiff,	No. 9:11-CV-1457
C.O. MCINTYRE, Correctional Officer; LT. MCDERMOTT, Correctional Lieutenant; C.O. STEVENS, Correctional Officer; SGT. YOUNG, Correctional Sergeant; C.O. KANE, Correctional Officer; C.O. HOESSLE, Correctional Officer; C.O. CATLIN, Correctional Officer; DEPT. C. MILLER, Deputy Superintendent of Security; COMM. BRIAN FISCHER, Commissioner of the Department of Corrections Community Supervision; and SUP. MARTUSCELLO,		
Defendants.		
APPEARANCES:		OF COUNSEL:
JAMEL KING 01-A-4949 Plaintiff pro se Elmira Correctional Facility P.O. Box 500 Elmira, NY 14902		
HON. ERIC T. SCHNEIDERMAN Attorney General for the State of Attorney for Defendants The Capitol Albany, NY 12224		MICHAEL G. MCCARTIN, ESQ. Ass't Attorney General
DAVID N. HURD United States District Judge		

DECISION and ORDER

Pro se plaintiff Jamel King brought this action pursuant to 42 U.S.C. § 1983. On March 17, 2015, the Honorable Thérèse Wiley Dancks, United States Magistrate Judge, advised by Report-Recommendation that defendants' motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 be granted in part and denied in part. 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. <u>See</u> 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Defendants' motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 is GRANTED in part and DENIED in part;

All claims are DISMISSED except the retaliation claims against defendants
Catlin and McDermott arising from the March 28, 2011, misbehavior report and the April 6,
2011, disciplinary hearing on that report;

3. All claims against defendants Young and Kane are sua sponte DISMISSED; and

4. The Clerk is directed to serve a copy of this Decision and Order upon the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: April 8, 2015 Utica, New York.

United States District Judge