

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
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WINSTON KINGSTON,

Plaintiff,

No. 9:12-CV-227

-v-

VIDAR QUDSI, Dr., Altona Correctional Facility;  
and BRIAN FISCHER, Commissioner, DOCCS,

Defendants.  
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APPEARANCES:

OF COUNSEL:

WINSTON KINGSTON

Plaintiff pro se

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Jamaica

Queens, NY 11433

HON. ERIC T. SCHNEIDERMAN

Attorney General for the State of New York

Attorney for Defendants

The Capitol

Albany, NY 12224

C. HARRIS DAGUE, 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 September 10, 2013, the Honorable Christian F. Hummel, United States Magistrate Judge, advised by Report-Recommendation that defendants' motion to dismiss pursuant to Federal Rule of Civil Procedure 37 be granted. Plaintiff did not oppose the motion. 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

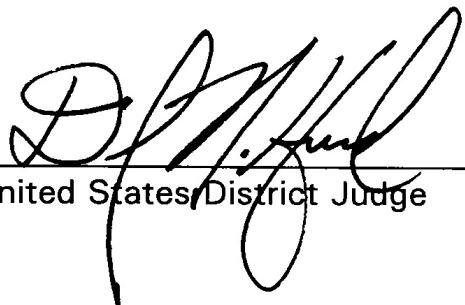
1. Defendants' motion to dismiss pursuant to Federal Rule of Civil Procedure 37 is GRANTED;

2. Plaintiff's complaint is DISMISSED in its entirety;

3. The Clerk is directed to file a judgment accordingly; 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.



United States District Judge

Dated: October 17, 2013  
Utica, New York.