

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RALPH BUCK PHILLIPS,

Plaintiff,

-v-

9:12-CV-0610
(DNH/RFT)

M. LaMOUNTAIN, Correction Officer, Clinton Correctional Facility, C. DELUTIS, Sergeant (SHU), Clinton Correctional Facility, J. LUDWIG, Sergeant, Clinton Correctional Facility, M. LaFOUNTAIN, Correction Officer, Clinton Correctional Facility, J. FARRELL, Correction Officer, Clinton Correctional Facility, A. FRENYA, Correction Officer, Clinton Correctional Facility, C. GADWAY, Correction Officer, Clinton Correctional Facility, BEZIO, Correction Officer, Clinton Correctional Facility, LeCLAIRE, Correction Officer, Clinton Correctional Facility, SEAN LILLED AHL, Correction Officer, Clinton Correctional Facility, MORROW, Correction Officer, Clinton Correctional Facility,

Defendants.

APPEARANCES:

OF COUNSEL:

RALPH BUCK PHILLIPS
06-B-3437
Plaintiff, Pro Se
Upstate Correctional Facility
P.O. Box 2001
Malone, NY 12953

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Albany, NY 12224

LAURA A. SPRAGUE, 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 June 10, 2014, the Honorable Randolph F. Treece, United States Magistrate Judge, advised by Report-Recommendation that defendants' motion pursuant to Federal Rules of Civil Procedure 37(b) and 41(b) be granted and that plaintiff's complaint be dismissed. No objections to the Report-Recommendation were filed.¹

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

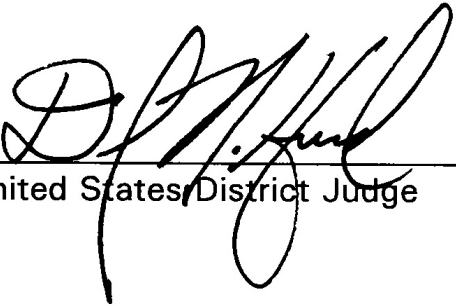
1. Defendant's motion pursuant to Federal Rules of Civil Procedure 37(b) and 41(b) is GRANTED;
2. Plaintiff's complaint is DISMISSED in its entirety; and
3. The Clerk is directed to enter judgment accordingly and close the file.

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

IT IS SO ORDERED.

¹ The Report-Recommendation was returned to the Court as undeliverable. The envelope indicates that it was refused twice by plaintiff. ECF No. 48.

Dated: July 2, 2014
Utica, New York.



United States District Judge