

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOSE A. PEREZ,

Plaintiff,

v.

9:12-CV-623

MICHAEL J. AMATO, Sheriff; MICHAEL
FRANKO, Jail Administrator

Defendants.

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).

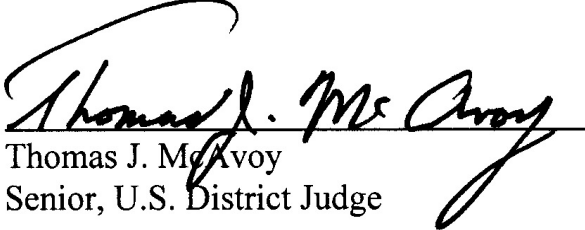
In the Report-Recommendation, Magistrate Judge Hummel recommended that Defendants' motion to dismiss be granted with respect to Plaintiff's First Amendment mail tampering claim and the state-law slander claims and denied in all other respects. No objections to the June 13, 2013 Report-Recommendation 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.

It is hereby ORDERED that Defendants' motion for summary judgment is GRANTED in part and DENIED in part. The motion is GRANTED with respect to Plaintiff's

First Amendment mail tampering and slander claims. Accordingly, those claims and are DISMISSED. The motion is DENIED in all other respects.

IT IS SO ORDERED.

Dated: July 17, 2013


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