

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WILLIAM ROUNDS

Plaintiff,

-v.-

Civil Action No.
9:12-cv-953 (GLS/TWD)

C.O. THOMPSON, CORRECTION
OFFICER; BRIAN FISCHER,
COMMISSIONER, NYS DEPARTMENT
OF CORRECTION AND COMMUNITY
SERVICE

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

WILLIAM ROUNDS
Plaintiff *Pro Se*
8 Pine Ridge Circle
North Syracuse, New York 13212

FOR DEFENDANT FISCHER:

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of
New York
The Capitol
Albany, New York 12223

KEVIN P. HICKEY, ESQ.

FOR DEFENDANT THOMPSON:

Sheehan, Greene Law Firm
54 State Street, Suite 1001
Albany, New York 12207

LAWRENCE H. SCHAEFER, ESQ.
THOMAS D. LATIN, ESQ.

GARY L. SHARPE,
CHIEF JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Therese W. Dancks, duly filed May 28, 2013. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED that the Report-Recommendation of Magistrate Judge Therese W. Dancks filed May 28, 2013 is ACCEPTED in its entirety for the reasons state therein; and it is further

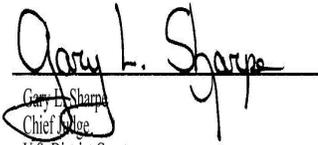
ORDERED, that Defendant Fischer's Rule 12(c) motion for judgment on the pleadings (Dkt. No. 25) be GRANTED; and it is further

ORDERED, that Plaintiff's Complaint be dismissed as against Defendant Fisher with leave to amend within thirty (30) days of this Order; and it is further

ORDERED, that the Clerk of the Court is to mail copies of the Order to the parties in accordance with the court's local rules.

IT IS SO ORDERED.

Dated: June 20, 2013
Albany, New York



Gary L. Sharpe
Chief Judge
U.S. District Court