

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

BRANDON LEE,

Plaintiff,

v.

**9:12-CV-1018
(FJS/CFH)**

**MICHAEL GRAZIANO, Superintendent,
Greene Correctional Facility,**

Defendant.

APPEARANCES

OF COUNSEL

BRANDON LEE
6 Rainbow Lane
Amityville, New York 11701
Plaintiff *pro se*

**OFFICE OF THE NEW YORK
STATE ATTORNEY GENERAL**
The Capitol
Albany, New York 12224
Attorneys for Defendant

KEVIN M. HAYDEN, AAG

SCULLIN, Senior Judge

ORDER

Currently before the Court is Magistrate Judge Hummel's March 18, 2014 Report-Recommendation and Order, in which he recommended that this Court grant Defendant's motion to dismiss, *see* Dkt. No. 32, and dismiss Plaintiff's amended complaint, *see* Dkt. No. 13, with prejudice. The parties did not file any objections to these recommendations.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Hummel's March 18, 2014 Report-Recommendation and Order for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Hummel's March 18, 2014 Report-Recommendation and Order is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

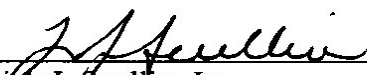
ORDERS that Defendant's motion to dismiss is **GRANTED**; and the Court further

ORDERS that Plaintiff's amended complaint is **DISMISSED** with prejudice; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: April 9, 2014
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge