

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

MICHAEL JOSHUA HENDERSON,

Plaintiff,

v.

BRIAN FISCHER, et al.,

Defendants.

9:12-CV-01704

(TJM/TWD)

**THOMAS J. MCAVOY,
Senior United States District Judge**

DECISION & ORDER

I. INTRODUCTION

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred by this Court to the Hon. Thérèse Wiley-Dancks, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

In her Order and Report-Recommendation, Magistrate Judge Wiley-Dancks recommended that Defendants' motion for summary judgment (Dkt. # 47) be granted in its entirety; and that Plaintiff's § 1983 claims for money damages against Defendants in their official capacities be *sua sponte* dismissed with prejudice. See Order & Rep.-Rec. Dkt. # 56. Plaintiff filed objections to Magistrate Judge Wiley-Dancks' recommendations. See Dkt. No. 58.

II. STANDARD OF REVIEW

When objections to a magistrate judge's report and recommendation are lodged,

the district court makes a “*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” See 28 U.S.C. § 636(b)(1); see also United States v. Male Juvenile, 121 F.3d 34, 38 (2d Cir. 1997) (The Court must make a *de novo* determination to the extent that a party makes specific objections to a magistrate’s findings.).

III. DISCUSSION

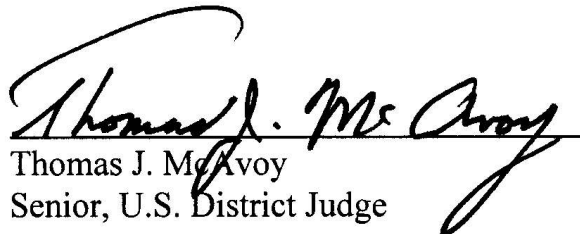
Having considered Plaintiff’s objections and having completed a *de novo* review of the issues raised by the objections, the Court accepts and adopts Magistrate Judge Wiley-Dancks’ recommendations for the reasons stated in her thorough report.

IV. CONCLUSION

For the reasons discussed above, the Court accepts and adopts Magistrate Judge Wiley-Dancks’ Order and Report-Recommendation in its entirety. Accordingly, Defendants’ motion for summary judgment (Dkt. # 47) is GRANTED in its entirety, and all claims against Defendants in this individual capacities are DISMISSED; and Plaintiff’s §1983 claims for money damages against Defendants in their official capacities are *sua sponte* DISMISSED with prejudice. The Clerk may enter judgment in favor of defendants and close the file in this matter.

IT IS SO ORDERED.

Dated: March 18, 2015


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