

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

TERRENCE HEMBY,

Plaintiff,

vs.

9:13-CV-613

**DR. FERRARI, Clinton County Correctional
Facility; DR. JOHNSON, Clinton County
Correctional Facility; NURSE BADGER, Clinton
County Correctional Facility; DAMOUR, Nurse;
and LASWAY, Nurse,**

Defendants.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

This *pro se* action 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).

The Report-Recommendation, dated March 21, 2014, recommended that Defendant's motion for summary judgment (Dkt. # 34) be granted without prejudice because Plaintiff failed to exhaust his administrative remedies before filing suit.

No objections to the Report-Recommendation have been filed. 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.

For the foregoing reasons, the Court ADOPTS the Report and Recommendation and GRANTS the Defendants' Motion for Summary Judgment (Dkt. #34) without prejudice.

IT IS SO ORDERED.

Dated: April 18, 2014

