

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

DAVID HARRINGTON,

Plaintiff,

v.

9:13-CV-0795 (BKS/DJS)

**DR. VADLAMUDI, Doctor, Marcy Correctional
Facility, et al.,**

Defendants.

Appearances:

David Harrington
Fort Edward, NY 12828
Plaintiff, pro se

Keith J. Starlin, Esq.
Hon. Eric T. Schneiderman
Office of New York State Attorney General
The Capitol
Albany, NY 12224
Attorney for Defendants

Hon. Brenda K. Sannes, United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff David Harrington, a former New York State inmate, commenced this action asserting claims under 42 U.S.C. § 1983, the Americans with Disabilities Act, 42 U.S.C. §§ 12101, *et seq.*, and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, arising out of his incarceration at Marcy Correctional Facility. Dkt. No. 45. On December 18, 2015, Defendants filed a motion for summary judgment under Fed. R. Civ. P. 56, seeking dismissal of the amended complaint with prejudice. Dkt. No. 57. Plaintiff did not file a response to Defendants' motion. This matter was referred to United States Magistrate Judge Daniel J.

Stewart who, on August 9, 2016, issued a Report-Recommendation and Order recommending that Defendants' motion for summary judgment be granted and that this action be dismissed. Dkt. No. 60. Magistrate Judge Stewart advised the parties that under 28 U.S.C. § 636(b)(1), they had fourteen days within which to file written objections to the report, and that the failure to object to the report within fourteen days would preclude appellate review. *Id.*, p. 23. No objections to the Report-Recommendation have been filed.

As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228-29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Report-Recommendation is adopted in its entirety.

For these reasons, it is

ORDERED that the Report-Recommendation (Dkt. No. 60) is **ADOPTED** in its entirety; and it is further

ORDERED that Defendants' motion for summary judgment (Dkt. No. 57) is **GRANTED**; and it is further


ORDERED that the amended complaint (Dkt. No. 45) is **DISMISSED**; and it is further

ORDERED that the Clerk of the Court is directed to serve a copy of this Order upon the parties in accordance with the Local Rules; and it is further

ORDERED that the Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: August 30, 2016


Brenda K. Sannes
U.S. District Judge