

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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WOODROW FLEMMING,

Plaintiff,

-v-

9:13-CV-816  
(DNH/RFT)

GERALDINE WILSON, Nurse, Upstate  
Correctional Facility,

Defendant.

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APPEARANCES:

WOODROW FLEMMING

Plaintiff, pro se

P.O. Box 146

New York, NY 10039

HON. ERIC T. SCHNEIDERMAN

Attorney General for the State of New York

Attorney for Defendant

The Capitol

Albany, NY 12224

ADRIENNE J. KERWIN, ESQ.

Ass't Attorney General

DAVID N. HURD

United States District Judge

**DECISION and ORDER**

Pro se plaintiff Woodrow Flemming brought this action alleging violations of his civil rights pursuant to 42 U.S.C. § 1983. On March 12, 2015, the Honorable Randolph F. Treece, United States Magistrate Judge, advised by Report-Recommendation that plaintiff's amended complaint be dismissed for failure to adequately cure the deficiencies identified in the September 29, 2014, Decision and Order granting plaintiff leave to amend his claim that

defendant Wilson purposefully withheld permission for him to use a walking cane. Plaintiff timely filed objections to the Report-Recommendation.

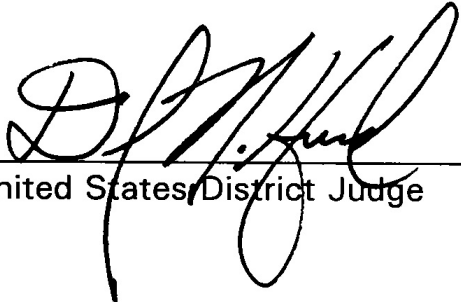
Based upon a de novo review of the portions of the Report-Recommendation to which plaintiff objected, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Plaintiff's amended complaint is DISMISSED in its entirety for failure to state a claim and failure to comply with the September 29, 2014, Decision and Order; and
2. The Clerk serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules, enter judgment accordingly, and close the file.

IT IS SO ORDERED.

  
United States District Judge

Dated: April 2, 2015  
Utica, New York.