

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMES R. MERCER, JR.,

Plaintiff,

-v-

No. 9:13-CV-0840
(DNH/RFT)

APS HEALTHCARE, INC., in its individual and official capacity; MARIKA V. WINKLER, APS Medical Reviewer, in her individual and official capacity; JONATHAN S. STRENIO, APS Medical Director, in his individual and official capacity; CHRISTINA M. MISA, Regional Medical Director, in her individual and official capacity; GERALD R. AMATUCCI, Regional Medical Director, in his individual and official capacity,

Defendant.

APPEARANCES:

OF COUNSEL:

JAMES R. MERCER, JR. 87-c-0688
Plaintiff pro se
Cayuga Correctional Facility
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Albany, NY 12211

WILLIAM C. FIRTH, ESQ.

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff James R. Mercer Jr. brought this civil rights action pursuant to 42 U.S.C. § 1983. On June 25, 2015, the Honorable Randolph F. Treece, United States Magistrate Judge, advised by Report-Recommendation that plaintiff's motion for summary judgment (ECF No. 107) be denied and that defendants' cross motions for summary judgment (ECF Nos. 113 & 116) be granted. Plaintiff and defendants APS Healthcare, Inc., Marika V. Winkler and Jonathan S. Strenio filed timely objections to the Report-Recommendation. Plaintiff further filed a reply to defendants' objections.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

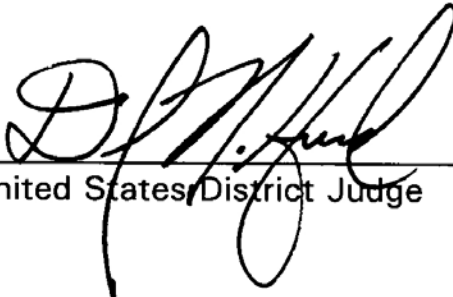
ORDERED that

1. Plaintiff's motion for summary judgment (ECF No. 107) is DENIED in its entirety;
2. Defendants' cross-motions for summary judgment (ECF Nos. 113 & 116) are GRANTED in their entirety;
3. Plaintiff's complaint is DISMISSED; and

4. The Clerk is directed to serve a copy of this Decision and Order upon the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: September 28, 2015
Utica, New York


United States District Judge