

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

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**ROBERT L. MURRAY,**

**Plaintiff,**

**v.**

**9:13-CV-1056  
(FJS/ATB)**

**RC II NEPHEW, Clinton Correctional Facility; and  
RC II PROVOST, Clinton Correctional Facility.**

**Defendants.**

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**APPEARANCES**

**OF COUNSEL**

**ROBERT L. MURRAY**

276 East 171<sup>st</sup> Street  
Room 4  
Bronx, New York 10457  
Plaintiff *pro se*

**C. HARRIS DAGUE, AAG**

**OFFICE OF THE NEW YORK  
STATE ATTORNEY GENERAL**

The Capitol  
Albany, New York 12224  
Attorneys for Defendants

**SCULLIN, Senior Judge**

**ORDER**

Currently before the Court is Magistrate Judge Baxter's March 24, 2015 Order and Report-Recommendation, in which he recommended that this Court grant Defendants' motion for summary judgment and deny Plaintiff's motion for appointment of counsel and dismiss Plaintiff's complaint in its entirety with prejudice. *See* Dkt. No. 45 at 15. The parties did not file any objections to these recommendations.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, \*10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Baxter's March 24, 2015 Order and Report-Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

**ORDERS** that Magistrate Judge Baxter's March 24, 2015 Order and Report-Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

**ORDERS** that Defendants' motion for summary judgment (Dkt. No. 40) is **GRANTED** and Plaintiff's complaint is **DISMISSED** in its entirety with prejudice; and the Court further

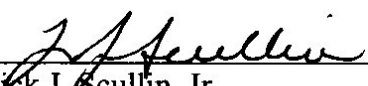
**ORDERS** that Plaintiff's motion for appointment of counsel (Dkt. No. 39) is **DENIED**; and the Court further

**ORDERS** that the Clerk of the Court shall enter judgment in favor of Defendants and close this case; and the Court further

**ORDERS** that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

Dated: April 14, 2015  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge