

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

JOHN H. WHITE,

Plaintiff,

**9:14-cv-2
(GLS/DJS)**

v.

JOEY DISHAW,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

John H. White
Pro Se
08-A-3366
Mid-State Correctional Facility
P.O. Box 2500
Marcy, NY 13403

FOR THE DEFENDANT:

HON. ERIC T. SCHNEIDERMAN
New York State Attorney General
The Capitol
Albany, New York 12224

BRIAN W. MATULA
Assistant Attorney General

Gary L. Sharpe
Senior District Judge

ORDER

On June 20, 2017, Magistrate Judge Daniel J. Stewart filed a Report-

Recommendation and Order (R&R), which recommends that defendant's motion for summary judgment be granted for failure to exhaust administrative remedies. (Dkt. No. 212.) White thereafter sought and was granted additional time to file objections. (Dkt. Nos. 213, 214.) Pending before the court are White's objections. (Dkt. No. 217.)¹

White objections, which consist of both generalized gripes and specific arguments as to why Judge Stewart's recommendation is incorrect, (*id.*), have been carefully reviewed. While the general objections trigger review for clear error only, the specific objections require the court to consider the arguments *de novo*. See *Almonte v. N.Y.S. Div. of Parole*, No. Civ. 904CV484, 2006 WL 149049, at *5-*6 (N.D.N.Y. Jan. 18, 2006). Having also carefully considered the R&R in light of White's objections, the court sees no reason to repeat what is said there in conducting a *de novo* review because this court reaches the same conclusions as those reached by Judge Stewart: White had available remedies to exhaust and failed to do so. See *Ross v. Blake*, 136 S. Ct. 1850, 1858-62 (2016). Accordingly,

¹ Within his objections, White seeks recusal of both Judge Stewart and this court "for ongoing falsifications & denials of due process." (Dkt. No. 217 at 4.) Finding no merit whatsoever in White's assertion and in consideration of the appropriate statutes, see 28 U.S.C. §§ 144, 455, White's request is DENIED.

the R&R, (Dkt. No. 212), is adopted in its entirety.

Accordingly, it is hereby

ORDERED that the Report-Recommendation and Order (Dkt. No. 212) is **ADOPTED** in its entirety; and it is further

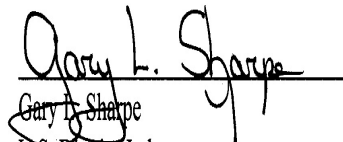
ORDERED that defendant's motion for summary judgment (Dkt. No. 196) is **GRANTED** and the complaint (Dkt. No. 1) is **DISMISSED**; and it is further

ORDERED that the Clerk is directed to close this case; and it is further

ORDERED that the clerk provide a copy of this Order to the parties in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

September 27, 2017
Albany, New York



Gary L. Sharpe
U.S. District Judge