

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DERRELL AUSTIN,

Plaintiffs,

vs.

9:14-CV-41
(TJM/ATB)

DAVID ROCK and MAUREEN E.
BOLL,

Defendants.

THOMAS J. McAVOY,
Senior United States District Judge

DECISION & ORDER

I. INTRODUCTION

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. Andrew T. Baxter, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to Magistrate Judge Baxter's Report-Recommendation [dkt. # 38] have been filed, and the time to do so, including an extension granted by the Court, has expired.

II. DISCUSSION

After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

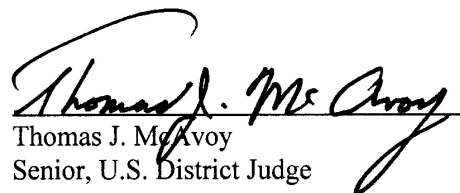
III. CONCLUSION

Accordingly, the Court **ADOPTS** the Report-Recommendation [dkt. # 38] for the

reasons stated therein. The defendants' motion for summary judgment [dkt. # 26] is **GRANTED**, and the complaint is **DISMISSED** for failure to exhaust administrative remedies.

IT IS SO ORDERED.

Dated: July 6, 2016


Thomas J. McAvoy
Senior, U.S. District Judge