

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAVID CINTRON,

Plaintiff,

vs.

9:14-CV-116
(TJM/DEP)

NURSE DENISE REOME, *et al.*,

Defendants.

Thomas J. McAvoy,
United States District Judge

DECISION & ORDER

This action, brought pursuant to 42 U.S.C. § 1983, alleges that Defendants violated Plaintiff's rights by their deliberate indifference to his serious medical needs. Plaintiff alleges that Defendants failed to provide him with medical treatment after he cut his tongue on a piece of glass contained in a piece of bread in his prison meal. The action was referred to the Hon. David E. Peebles, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

The Report-Recommendation, dated June 29, 2016, recommends that Defendants' motion for summary judgment be granted and Plaintiff's motion for summary judgment be denied. See dkt. # 114. Magistrate Judge Peebles also recommends that Plaintiff's Second Amended Complaint be dismissed.

No objections to the Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation and Order for the reasons stated therein.

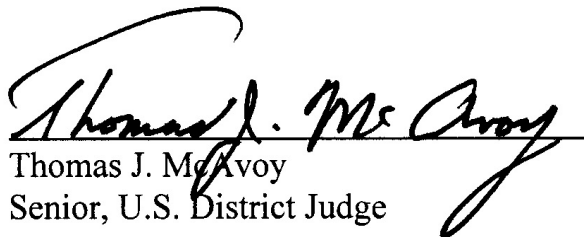
It is therefore

ORDERED that the Report-Recommendation of Magistrate Judge Peebles, dkt. # 114, is hereby ADOPTED, and:

1. Plaintiff's motion for summary judgment, dkt. # 93, is hereby DENIED;
2. Defendants' cross-motion for summary judgment, dkt. # 98, is hereby GRANTED; and
3. Plaintiff's Second Amended Complaint is hereby DISMISSED.

IT IS SO ORDERED.

Dated: July 28, 2016


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