

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

JAMAL SALAAM BEY,

Plaintiff,

**9:14-cv-836
(GLS/TWD)**

v.

CHRISTOPHER MILLER et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

JAMAL SALAAM BEY

a/k/a Raymond Davis

Plaintiff, *Pro se*

Great Meadow Correctional Facility

Box 51

Comstock, New York 12821

FOR THE DEFENDANT:

HON. ERIC SCHNEIDERMAN

New York State Attorney General

The Capitol

Albany, New York 12224

COLLEEN D. GALLIGAN

Assistant Attorney General

Gary L. Sharpe

Senior District Judge

ORDER

The above-captioned matter comes to this court following an Order

and Report and Recommendation (R&R) by Magistrate Judge Thérèse, duly filed on October 19, 2016. (Dkt. No. 37.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed,¹ and the court having reviewed the R&R for clear error, it is hereby

ORDERED that the Order and Report and Recommendation (Dkt. No. 37) is **ADOPTED** in its entirety; and it is further

ORDERED that Defendants' motion for summary judgment (Dkt. No. 27) be **GRANTED**; and it is further

ORDERED that Bey's amended complaint (Dkt. No. 11) is **DISMISSED**; and it is further

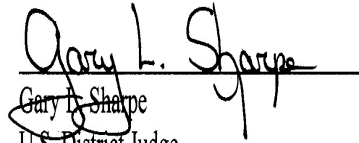
ORDERED that the Clerk close this case; and it is further

ORDERED that the Clerk serve a copy of this order upon the parties in accordance with the court's Local Rules.

¹ Plaintiff's only filing submitted after the R&R was issued does not contain any objections to the R&R. (Dkt. No. 38.) Even if the court were to construe that filing as an attempt to object, it would trigger review for clear error only. See *Almonte v. N.Y.S. Div. of Parole*, No. Civ. 904CV484, 2006 WL 149049, at *4-5 (N.D.N.Y. Jan. 18, 2006). As explained above, the court has carefully reviewed the R&R for clear error even in the absence of any objections.

IT IS SO ORDERED.

November 15, 2016
Albany, New York


Gary L. Sharpe
U.S. District Judge