

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

WESLEY WOODS,

Plaintiff,

- v -

**Civ. No. 9:14-CV-0996
(TJM/DJS)**

**SUPERINTENDENT MILLER, Great Meadow
Correctional Facility; CORRECTIONAL OFFICER
FULLER, Great Meadow Correctional Facility;
CORRECTIONAL OFFICER WARRINGTON,
Great Meadow Correctional Facility,**

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 by this Court to the Hon. Daniel J. Stewart, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

In his Report-Recommendation and Order, Magistrate Judge Stewart recommended that Defendants' motion to dismiss (Dkt. # 26) be denied. See Rep.-Rec. & Ord., Dkt. # 31. Defendants filed objections to Magistrate Judge Stewart's recommendations. See Dkt. # 32.

II. STANDARD OF REVIEW

When objections to a magistrate judge's report and recommendation are lodged,

the district court makes a “*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” See 28 U.S.C. § 636(b)(1); see also United States v. Male Juvenile, 121 F.3d 34, 38 (2d Cir. 1997) (The Court must make a *de novo* determination to the extent that a party makes specific objections to a magistrate’s findings.). After reviewing the report and recommendation, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b).

III. DISCUSSION

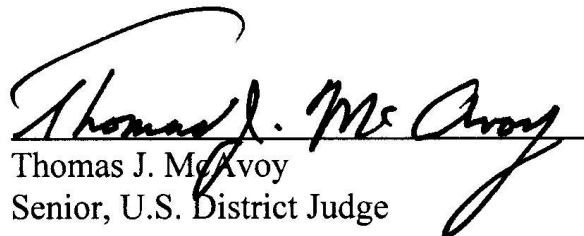
Having considered Defendants’ objections and having completed a *de novo* review of the issues raised by the objections, the Court accepts and adopts Magistrate Judge Stewart’s recommendations for the reasons stated in his thorough report.

IV. CONCLUSION

For the reasons discussed above, the Court accepts and adopts Magistrate Judge Stewart’s Report-Recommendation and Order (Dkt. # 31) in its entirety. Accordingly, Defendants’ motion to dismiss (Dkt. # 26) is DENIED.

IT IS SO ORDERED.

Dated: **March 9, 2016**


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