

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

JESSIE ENGLES,

Plaintiff,

v.

9:14-CV-1214

CHRIS BENNETT and  
BRIAN DOUGHERTY,

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 March 9, 2017 Report-Recommendation [dkt. # 87] have been filed, and the time to do so 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.

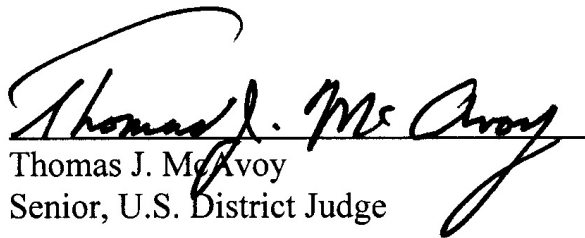
**III. CONCLUSION**

Accordingly, the Court **ADOPTS** the Report-Recommendation [dkt. # 87] for the

reasons stated therein. The defendants' motion for summary judgment [dkt. # 33] is **GRANTED in part** and **DENIED in part**. The motion is denied with respect to the excessive force claim as against defendant Bennett, and granted in all other respects. The complaint is dismissed in its entirety as against defendant Dougherty.

**IT IS SO ORDERED.**

Dated: March 30, 2017

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