

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

VIDAL WHITLEY,

Plaintiff,

v.

9:15-CV-0377
(GTS/TWD)

S. TOURTELOT, Medication Subscriber;
JILL CARVER, Psychiatrist; and
MS. GRAZANEI,

Defendants.

APPEARANCES:

LAW OFFICES OF RAFAEL MUNIZ, P.C.
Counsel for Plaintiff
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New York, New York 10006

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of New York
Counsel for Defendants
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Syracuse, New York 13204

OF COUNSEL:

RAFAEL E. MUNIZ, ESQ.

TIMOTHY MULVEY, ESQ.
Assistant Attorney General

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this prisoner civil rights action filed by Vidal Whitley (“Plaintiff”) against the three above-captioned employees of the New York State Department of Corrections and Community Supervision (“Defendants”), are Defendants’ motion for summary judgment, and United States Magistrate Judge Thérèse Wiley Dancks’ Report-Recommendation recommending that Defendants’ motion be granted and that Plaintiff’s Complaint be dismissed in its entirety. (Dkt. Nos. 37, 21.) None of the parties have filed objections to the Report-Recommendation and the deadline in which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Judge Dancks' thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation: Magistrate Judge Dancks employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts.¹ As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein, Defendants' motion is granted, and Plaintiff's Complaint is dismissed.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Dancks' Report-Recommendation (Dkt. No. 37) is

ACCEPTED and **ADOPTED** in its entirety; and it is further

ORDERED that Defendants' motion for summary judgment (Dkt. No. 21) is

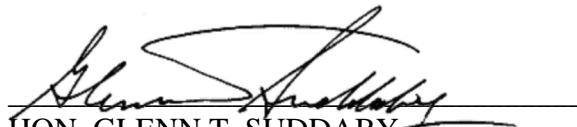
GRANTED; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED** in its entirety; and it is further

ORDERED that the Clerk of the Court shall enter Judgment for Defendants and close

this action.

Dated: August 29, 2016
Syracuse, New York


HON. GLENN T. SUDDABY
Chief United States District Judge

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).