

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

DANTE WHITE,

Plaintiff,

v.

9:15-CV-0640

NATHAN H. YORK, et al.,

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. 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). No objections to Magistrate Judge Stewart's March 10, 2017 Report-Recommendation and Order [dkt. # 24] have been filed,¹ and the time to do so has expired.

II. DISCUSSION

After examining the record, this Court has determined that the Report-

¹ Defendants filed a letter, docketed as an objection, indicating that they "agree with the Court's decision to dismiss Plaintiff's Complaint due to the legitimate penological interests of Defendants in denying Plaintiff's request for preferred religious meals." Dkt. # 24. Defendants further contend, however, that "the record before the Court provides an additional basis for dismissal on the ground that Plaintiff's religious rights were not substantially burdened." *Id.* Because the Court adopts Magistrate Judge Stewart's rationale to dismiss the action, there is no reason to address Defendants' alternative basis for dismissal.

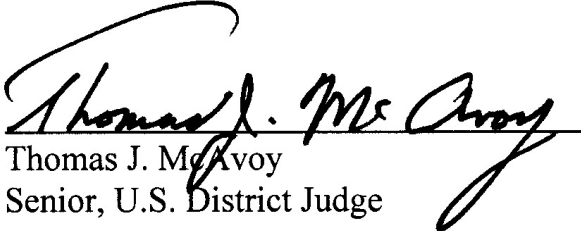
Recommendation and Order is not subject to attack for plain error or manifest injustice.

III. CONCLUSION

Accordingly, the Court **ADOPTS** the Report-Recommendation and Order [dkt. # 24] for the reasons stated therein. The defendants' motion for summary judgment [dkt. # 20] is **GRANTED** and the action is **DISMISSED**.

IT IS SO ORDERED.

Dated: March 30, 2017


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