

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

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**NAKIA CHANEY,**

**Plaintiff,**

**v.**

**9:15-CV-653  
(TJM/ATB)**

**GREGORY M. VENA, et al.,**

**Defendants**

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**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). In his Report-Recommendation (Dkt. No. 109), Magistrate Judge Baxter recommends that Defendants' motion for summary judgment (Dkt. No. 99) be denied. Defendants file objections to this recommendation. Dkt. No. 112. Plaintiff opposes Defendants' objections. Dkt. No. 113.

**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.).

### **III. DISCUSSION**

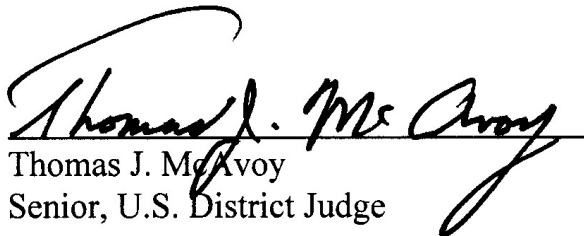
Having considered Defendants' objections and having completed a *de novo* review of the issues raised by the objections, the Court has determined to adopt Magistrate Judge Baxter's recommendations for the reasons stated in his thorough report.

### **IV. CONCLUSION**

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Baxter's Report-Recommendation (Dkt. No. 109) in its entirety. Defendants' motion for summary judgment (Dkt. No. 99) is **DENIED**.

**IT IS SO ORDERED.**

Dated: September 7, 2018

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