

**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 dated November 29, 2017 (Dkt. No. 92), Magistrate Judge Baxter recommends: (1) that defendant D'Agostino's motion for summary judgment (Dkt. No. 64) be granted, and the complaint dismissed in its entirety as against defendant D'Agostino based on a lack of personal involvement, and (2) that defendant D'Agostino's motion for summary judgment as relates to cross-claims filed by defendants Vena and Bell (Dkt. No. 64) be granted, and any such cross-claims be dismissed. No objections to the Report-Recommendation have been filed, and the time to do so has expired.

**II. DISCUSSION**

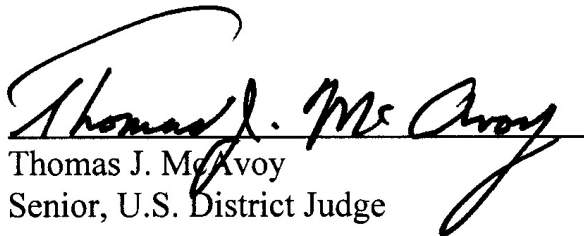
After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

**III. CONCLUSION**

Accordingly, the Court **ACCEPTS** the Report-Recommendation (Dkt. No. 92) for the reasons stated therein. Defendant D'Agostino's motion for summary judgment (Dkt. No. 64) is **GRANTED**, and the complaint is **DISMISSED** in its entirety as against defendant D'Agostino. Further, defendant D'Agostino's motion for summary judgment as relates to cross-claims filed by defendants Vena and Bell (Dkt. No. 64) is **GRANTED**, and any such cross-claims are **DISMISSED**.

**IT IS SO ORDERED.**

Dated: December 28, 2017

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