

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

JOSE FIGUERAS,

Plaintiff,

**9:15-cv-909
(GLS/DEP)**

v.

**D. VENETTOZZI and CAPTAIN
WILKINS,**

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

JOSE FIGUERAS
Plaintiff, *Pro Se*
89-B-233
Fishkill Correctional Facility
P.O. Box 1245
Beacon, NY 12508

FOR THE DEFENDANTS:

HON. ERIC T. SCHNEIDERMAN
New York State Attorney General
The Capitol
Albany, New York 12224

JOHN F. MOORE
Assistant Attorney General

Gary L. Sharpe
Senior District Judge

ORDER

The above-captioned matter comes to this court following an Report

and Recommendation by Magistrate Judge David E. Peebles, duly filed on January 20, 2017. (Dkt. No. 29.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Report and Recommendation for clear error, it is hereby

ORDERED that the Report and Recommendation (Dkt. No. 29) is **ADOPTED** in its entirety; and it is further

ORDERED that defendants' motion for summary judgment, (Dkt. No. 25), is **GRANTED**; and it is further

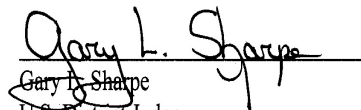
ORDERED that plaintiff's complaint is **DISMISSED** in its entirety; and it is further

ORDERED that the Clerk is directed to close the case; and it is further

ORDERED that the clerk provide a copy of this Order to the parties in accordance with the court's Local Rules of Practice.

IT IS SO ORDERED.

February 10, 2017
Albany, New York


Gary L. Sharpe
U.S. District Judge