

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANTHONY FABIAN,

Plaintiff,

v.

9:16-CV-00022

DUBREY, *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. Thérèse Wiley Dancks, 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 Dancks' June 13, 2017 Report-Recommendation and Order [dkt. # 29] 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 and Order is not subject to attack for plain error or manifest injustice. **III.**

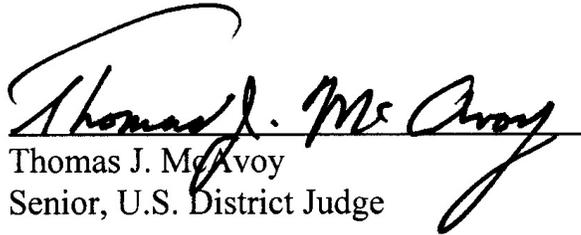
CONCLUSION

Accordingly, the Court **ADOPTS** the Report-Recommendation and Order [dkt. # 29] for the reasons stated therein. Defendant Craig DuBrey's motion for summary judgment

[dkt. # 27] is **DENIED**.

IT IS SO ORDERED.

Dated: July 12, 2017


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