

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

**JOHN SHICOBRA YOUNG, also known as
J. Shicobra Young,**

Plaintiff,

v.

**9:16-CV-612
(FJS/CFH)**

**MR. RUSSO, CHO, Eastern N.Y. Correctional
Facility's Hearing Officer 12-18-15 and 12-28-15,**

Defendant.

APPEARANCES

OF COUNSEL

JOHN SHICOBRA YOUNG

86-A-2673

Eastern New York Correctional Facility

Box 338

Napanoch, New York 12458

Plaintiff *pro se*

**OFFICE OF THE NEW YORK
STATE ATTORNEY GENERAL**

The Capitol

Albany, New York 12224

Attorneys for Defendant

COLLEEN D. GALLIGAN, AAG

SCULLIN, Senior Judge

ORDER

Plaintiff commenced this action pursuant to 42 U.S.C. § 1983 by filing a complaint alleging that Defendant violated his constitutional rights under the Eighth and Fourteenth Amendments to the United States Constitution. *See* Dkt. No. 2. On October 4, 2017, Defendant filed a motion for summary judgment. *See* Dkt. No. 32. Plaintiff did not file any papers in opposition to that motion.

On March 19, 2018, Magistrate Judge Hummel issued a Report-Recommendation and Order, in which he recommended that this Court grant Defendant's motion for summary judgment and dismiss

Plaintiff's complaint in its entirety with prejudice. *See* Dkt. No. 36 at 10. Plaintiff did not file any objections to these recommendations within the required time frame.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify, in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Hummel's March 19, 2018 Report-Recommendation and Order for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Hummel's March 19, 2018 Report-Recommendation and Order is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

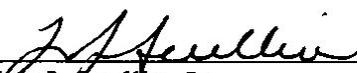
ORDERS that Defendant's motion for summary judgment, *see* Dkt. No. 32, is **GRANTED** and Plaintiff's complaint is **DISMISSED in its entirety with prejudice**; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendant and close this case; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: April 10, 2018
Syracuse New York



Frederick J. Scullin, Jr.
Senior United States District Judge