

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

JOHN SHICOBRA YOUNG also known as
J. Shicobra Young,

Plaintiff

v.

**9:16-CV-660
(FJS/CFH)**

CHO POLIZZI,

Defendant.

APPEARANCES

OF COUNSEL

JOHN SHICOBRA YOUNG
86-A-2673

Wende Correctional Facility
P.O. Box 1187
Alden, New York 14004
Plaintiff *pro se*

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

The Capitol
Albany, New York 12224
Attorneys for Defendant

ERIK BOULE PINSONNAULT, AAG

SCULLIN, Senior Judge

ORDER

Plaintiff asserts claims against Defendant Polizzi pursuant to 42 U.S.C. § 1983 and Title II of the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12101 *et seq.* See Dkt. No. 16 ("Amended Complaint").

Pending before the Court is Magistrate Judge Hummel's July 11, 2018 Report-Recommendation and Order, *see* Dkt. No. 50, in which he recommended that the Court grant Defendant's motion for summary judgment, *see* Dkt. No. 48. Plaintiff did not file a response in

opposition to Defendant's motion nor did he file any objections to Magistrate Hummel's recommendation.

"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." *Ward v. Lee*, No. 9:16-CV-1224, 2018 WL 3574872, *1 (N.D.N.Y. July 25, 2018) (citation 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 *Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (quoting 28 U.S.C. § 636(b)(1)(C))).

The Court has reviewed Magistrate Judge Hummel's July 11, 2018 Report-Recommendation and Order for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Hummel's July 11, 2018 Report-Recommendation and Order is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

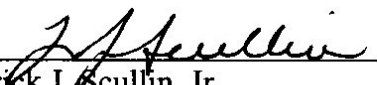
ORDERS that Defendant's motion for summary judgment, *see* Dkt. No. 48, is **GRANTED**; and the Court further

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: August 16, 2018
Syracuse, New York



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