

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MICHAEL LANG,

Plaintiff,

9:17-CV-0056
(GTS/ATB)

v.

RIEL, Sergeant, Bare Hill C.F.; S. NEWCOMBE,
Corr. Officer, Bare Hill C.F.; JOHN DOE, Corr.
Officer, Bare Hill C.F.; JOHN ROE, Corr. Officer,
Bare Hill C.F.; and MR. JUNEAU, Corr. Officer,
Bare Hill C.F.,

Defendants.

APPEARANCES:

OF COUNSEL:

MICHAEL LANG, 14-A-4337
Plaintiff, *Pro Se*
Washington Correctional Facility
Box 180, 72 Lock 11 Lane
Comstock, New York 12821

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of New York
Counsel for Defendants
The Capitol
Albany, New York 12224

RYAN W. HICKEY, ESQ.
Assistant Attorney General

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this prisoner civil rights action filed *pro se* by Michael Lang (“Plaintiff”) against the five above-captioned employees of Bare Hill Correctional Facility in Malone, New York (“Defendants”), are (1) Defendants’ motion to dismiss for failure to prosecute pursuant to Fed. R. Civ. P. 41(b), and (2) United States Magistrate Judge Andrew T. Baxter’s Report-Recommendation recommending that Defendants’ motion be granted and that

Plaintiff's Complaint be dismissed. (Dkt. Nos. 22, 24.) Plaintiff has not filed an objection to the Report-Recommendation and the deadline in which to do so has expired. (*See generally* Docket Sheet.) After carefully reviewing the relevant papers herein, including Magistrate Judge Baxter's thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.¹ Magistrate Judge Baxter employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein, and Plaintiff's Complaint is dismissed pursuant to Fed. R. Civ. P. 41(b).

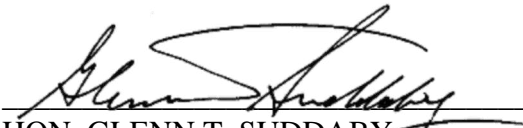
ACCORDINGLY, it is

ORDERED that Magistrate Judge Baxter's Report-Recommendation (Dkt. No. 24) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Defendants' motion to dismiss (Dkt. No. 22) is **GRANTED**; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED**.

Dated: August 29, 2017
Syracuse, New York


HON. GLENN T. SUDDABY
Chief United States District Judge

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; *see also* *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).