

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANDREW BARRETT,

Plaintiff,

Civil Action No. 9:17-CV-0084
(TJM/DEP)

v.

KEVIN BOYER, *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. David E. Peebles, Chief 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 Peebles's May 17, 2018 Report and Recommendation [dkt. # 28] have been filed, and the time to do so has expired.

II. DISCUSSION

After examining the record, the Court has determined that the Report and Recommendation is not subject to attack for plain error or manifest injustice.

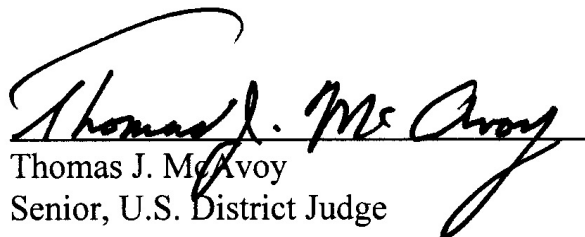
III. CONCLUSION

Accordingly, the Court **ACCEPTS and ADOPTS** the Report and Recommendation

[dkt. # 28] for the reasons stated therein. Defendants' motion for summary judgment [Dkt. # 17] is **DENIED**.

IT IS SO ORDERED.

Dated: July 12, 2018


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