

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

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**JOHN HAMLETT,**

**Plaintiff,**

**9:17-cv-939  
(GLS/TWD)**

**v.**

**SERGEANT STOTLER et al.,**

**Defendants.**

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**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

John Hamlett

*Pro Se*

08-A-0598

Green Haven Correctional Facility

P.O. Box 4000

Stormville, NY 12582

**FOR THE DEFENDANTS:**

HON. BARBARA D. UNDERWOOD

New York Attorney General

The Capitol

Albany, NY 12224

KATIE E. VALDER

Assistant Attorney General

**Gary L. Sharpe**

**Senior District Judge**

**ORDER**

On April 27, 2018, Magistrate Judge Thérèse Wiley Dancks issued an Order and Report-Recommendation (R&R), which recommends the

denial of defendants' motion for summary judgment. (Dkt. No. 26.)

Pending before the court is defendants' objection to the R&R.<sup>1</sup> (Dkt. No. 27.)

As stated in their objection, defendants "reassert the arguments set forth in their previously filed motion for summary judgment and subsequent reply." (*Id.* at 1.) The substance of defendants' objection is a rehashing of arguments raised in the briefing considered by Judge Dancks, more specifically, in their reply memorandum of law. Objections of this variety are general and warrant review for clear error only. See *Almonte v. N.Y. State Div. of Parole*, No. Civ. 904CV484, 2006 WL 149049, at \*5-6 (N.D.N.Y. Jan. 18, 2006). After careful consideration of the R&R, the court finds no clear error and adopts the R&R, (Dkt. No. 26), in its entirety.

Accordingly, it is hereby

**ORDERED** that the Order and Report-Recommendation (Dkt. No. 26) is **ADOPTED** in its entirety; and it is further

**ORDERED** that defendants' motion for summary judgment (Dkt. No.

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<sup>1</sup> While defendants' main objective is to persuade the court to grant their summary judgment motion, they alternatively seek an exhaustion hearing and some affiliated discovery, which the court construes as a new motion. (Dkt. No. 27 at 3.) Even though defendants' summary judgment motion is denied as filed, the alternate relief requested—an exhaustion hearing—is granted and the matter is referred to Judge Dancks for an exhaustion hearing and any briefing she deems necessary to frame the issues before or after such hearing.

16) is **DENIED**; and it is further

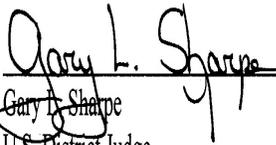
**ORDERED** that defendants' application for an exhaustion hearing (Dkt. No. 27 at 3) is **GRANTED**; and it is further

**ORDERED** that the exhaustion hearing and associated issues are **REFERRED** to Judge Dancks for the issuance of a Report and Recommendation; and it is further

**ORDERED** that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules of Practice.

**IT IS SO ORDERED.**

June 6, 2018  
Albany, New York

  
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Gary L. Sharpe  
U.S. District Judge