

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DARRYL WILLIAMS,

Plaintiff,

9:17-CV-1332
(GTS/DJS)

v.

CHRISTOPHER MILLER, Super., Great Meadow C.F.;
MERRY HARRIS, Nurse Admin., Great Meadow C.F.;
DAVID THOMPSON, M.D., Great Meadow C.F.;
F.T. NESMITH, Phys. Assis., Great Meadow C.F.;
NURSE WATKINS, Reg. Nurse, Great Meadow C.F.;
and JANE DOE, Reg. Nurse, Great Meadow C.F.,

Defendants.

APPEARANCES:

OF COUNSEL:

DARRYL WILLIAMS, 14-A-2849

Plaintiff, *Pro Se*

Coxsackie Correctional Facility

P.O. Box 999

Coxsackie, New York 12051

HON. LETITIA A. JAMES

Attorney General for the State of New York

Counsel for Defendants

The Capitol

Albany, New York 12224

WILLIAM A. SCOTT, ESQ.

Assistant U.S. Attorney

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* prisoner civil rights action filed by Darryl Williams (“Plaintiff”) against the six above-captioned employees of the New York State Department of Corrections and Community Supervision (“Defendants”) pursuant to 42 U.S.C. § 1983, are (1) Defendants’ motion for summary judgment, and (2) United States Magistrate Judge

Daniel J. Stewart's Report-Recommendation recommending that Defendants' motion be granted and that Plaintiff's Complaint be dismissed. (Dkt. Nos. 20, 23.) None of the parties have filed objections to the Report-Recommendation, and the deadline by which to do so has expired. (*See generally* Docket Sheet.) After carefully reviewing the relevant papers herein, including Magistrate Judge Stewart's thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.¹ Magistrate Judge Stewart 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, Defendants' Motion for Summary Judgment is granted, and Plaintiff's Complaint is dismissed.

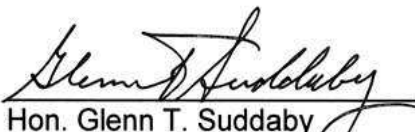
ACCORDINGLY, it is

ORDERED that Magistrate Judge Stewart's Report-Recommendation (Dkt. No. 23) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Defendants' motion for summary judgment (Dkt. No. 20) is **GRANTED**; and it is further

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

Dated: September 24, 2019
Syracuse, New York


Hon. Glenn T. Suddaby
Chief U.S. 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).