

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DALE GILMORE,

Plaintiff,

-v-

9:17-CV-1349
(DNH/TWD)

SMITH, Badge #287; SERGEANT GUIDO;
SERGEANT GANGUREM; SERGEANT
CELLINO; CAPTAIN DEAN; and OFFICER
DOE,

Defendants.

APPEARANCES:

DALE GILMORE

Plaintiff pro se

18-A-0389

Clinton Correctional Facility - Annex

P.O. Box 2002

Dannemora, NY 12929

GOLDBERG SEGALLA, LLP

Attorney for Defendants

8 Southwoods Boulevard, Suite 300

Albany, NY 12211

JONATHAN M. BERNSTEIN, ESQ.

DAVID N. HURD

United States District Judge

DECISION and ORDER

Pro se plaintiff Dale Gilmore brought this civil rights action pursuant to 42 U.S.C.

§ 1983. On July 22, 2019, the Honorable Thérèse Wiley Dancks, United States Magistrate
Judge, advised by Report-Recommendation that defendants' motion for summary judgment

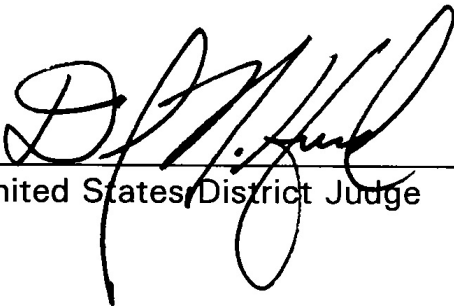
be granted. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Defendants' motion for summary judgment is GRANTED;
2. Plaintiff's second amended complaint is DISMISSED in its entirety; and
3. The Clerk is directed to enter judgment accordingly and close the file.



United States District Judge

Dated: August 21, 2019
Utica, New York.