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NOR	THER	N DIST	<b>TRICT</b>	OF	NEW	YORK

**GILFORD LOVELL,** 

Plaintiff,

v. No. 9:18-CV-0685

SUPERINTENDENT MCAULIFFE; ACTING CAPTAIN MCCABE; and SERGEANT FURNACE,

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. Christian F. Hummel, United States Magistrate Judge, for report and recommendation. Magistrate Judge Hummel issued a Report-Recommendation and Order on May 1, 2019 which addresses Defendants' Motion for Summary Judgment (Dkt. No. 14). *See* 05/01/19 Rep.-Rec. & Ord. (Dkt. No. 20). Magistrate Judge Hummel recommends that Defendants' Motion for Summary Judgment be denied. (*Id.*). No objections to the Report-Recommendation and Order have been filed, and the time to do so has expired.

### II. DISCUSSION

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

#### **CONCLUSION** III.

Accordingly, the Court ACCEPTS and ADOPTS the Report-Recommendation and Order (Dkt. No. 20) for the reasons stated therein. Defendants' Motion for Summary Judgment (Dkt. No. 14) is **DENIED**.

# IT IS SO ORDERED.

Dated: August 30, 2019

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