

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JOSHUA SHEFFER,

Plaintiff,

-against-

9:18-CV-1180 (LEK/DJS)

C.O. FLEURY, *et al.*,

Defendants.

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**DECISION AND ORDER**

**I. INTRODUCTION**

This matter comes before the Court following a Report-Recommendation and Order filed on February 12, 2020 by the Honorable Daniel J. Stewart, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3, Dkt. No. 71 (“Report-Recommendation”), concerning a motion to dismiss filed by Policy and Complaint Review Chairperson for the New York State Commission of Correction Frances Sullivan, Dkt. No. 64 (“Motion to Dismiss”).

**II. STANDARD OF REVIEW**

Within fourteen days after a party has been served with a copy of a magistrate judge’s report-recommendation, the party “may serve and file specific, written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b); L.R. 72.1(c). If objections are timely filed, a court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” § 636(b). However, if no objections are made, or if an objection is general, conclusory, perfunctory, or a mere reiteration of an argument made to the magistrate judge, a district court need review that aspect of a report-recommendation only for clear error. *Barnes v. Prack*, No. 11-CV-857, 2013 WL

1121353, at \*1 (N.D.N.Y. Mar. 18, 2013); Farid v. Bouey, 554 F. Supp. 2d 301, 306–07, 306 n.2 (N.D.N.Y. 2008), abrogated on other grounds by Widomski v. State Univ. of N.Y. at Orange, 748 F.3d 471 (2d Cir. 2014)).

### III. DISCUSSION

No objections were filed. Docket. Consequently, the Court has reviewed the Report-Recommendation for clear error and has found none. The Court therefore adopts the Report-Recommendation in its entirety.

### IV. CONCLUSION

Accordingly, it is hereby:

**ORDERED**, that the Report-Recommendation (Dkt. No. 71) is **APPROVED and ADOPTED in its entirety**; and it is further

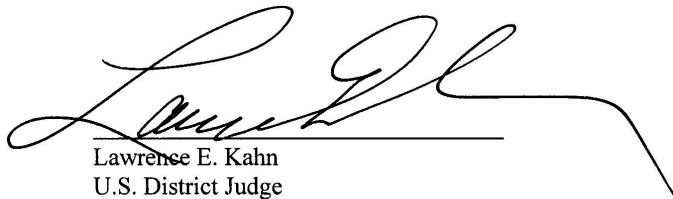
**ORDERED**, that Sullivan’s Motion to Dismiss (Dkt. No. 64) is **GRANTED**; and it is further

**ORDERED**, that the Clerk **TERMINATE** Sullivan as a defendant in this action; and it is further

**ORDERED**, that the Clerk serve a copy of this Decision and Order on all parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

DATED: June 04, 2020  
Albany, New York

  
Lawrence E. Kahn  
U.S. District Judge