

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

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**WILLIE RODRIGUEZ,**

**Plaintiff,**

**v.**

**9:18-CV-1380**

**M. GOINS,**

**Defendant.**

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**THOMAS J. McAVOY,  
Senior United States District Judge**

**DECISION and ORDER**

**I. INTRODUCTION**

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. Daniel J. Stewart, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). Plaintiff alleges that Defendant Goins, a corrections officer at the Ulster County Law Enforcement Center, violated his constitutional rights by failing to intervene and protect him from a physical assault by a fellow inmate. Defendant Goins moves for summary judgment on the bases that (1) Plaintiff's claim fails as a matter of law; and (2) Defendant Goins is entitled to qualified immunity. Dkt. No. 23. In his August 17, 2020 Report-Recommendation and Order (Dkt. No. 34), Magistrate Judge Stewart recommends that Defendant Goins's motion for summary judgment be granted on both bases. 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.

**III. CONCLUSION**

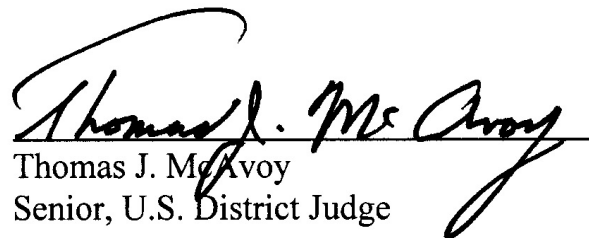
Accordingly, the Court **ACCEPTS** and **ADOPTS** the Report-Recommendation and Order (Dkt. No. 34) for the reasons stated therein. Defendant Goins's motion for summary judgment (Dkt. No. 23) is **GRANTED** and the claim against him is **DISMISSED**.

Defendant Goins's letter-motion asking the Court to accept the Report-Recommendation and Order (Dkt. No. 35) is **DENIED as moot**.

The Clerk of the Court may close the file in this matter.

**IT IS SO ORDERED.**

Dated: October 20, 2020

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