

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAVID PETERSON,

Plaintiff,

9:19-CV-0569
(GTS/DJS)

v.

J. LINDSTRAND, Dep. Super. for Administration,
Great Meadow Corr. Fac.; J. CORLEW, Offender
Rehab. Coord., Great Meadow Corr. Fac.; C. MILLER,
Super., Great Meadow Corr. Fac.; and DONALD
VENETTOZZI, Dir. of Special Housing and Inmate
Disciplinary Programs, Great Meadow Corr. Fac.,

Defendants.

APPEARANCES:

OF COUNSEL:

DAVID PETERSON, 01-A-6826
Plaintiff, *Pro Se*
Shawangunk Correctional Facility
P.O. Box 700
Wallkill, New York 12589

HON. LETITIA A. JAMES
Attorney General for the State of New York
Counsel for Defendants
The Capitol
Albany, New York 12224

DAVID C. WHITE, ESQ.
Assistant Attorney General

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 David Peterson (“Plaintiff”) against the four above-captioned employees of the New York State Department of Corrections and Community Supervision (“Defendants”) pursuant to 42 U.S.C. §

1983, is United States Magistrate Judge Daniel J. Stewart's Report-Recommendation (Dkt. No. 72) recommending that Defendants' motion for summary judgment be granted in its entirety and that Plaintiff's Complaint be dismissed. (Dkt. Nos. 1, 56, 72.) No party has filed an objection 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. 72) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Defendants' motion for summary judgment (Dkt. No. 56) is **GRANTED**, and Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED**; and it is further


ORDERED that any undecided requests set forth in Plaintiff's letter-motion of December

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).

27, 2021 (Dkt. No. 64) are **DENIED** as moot.

The Court certifies that any appeal from this Decision and Order would not be taken in good faith.

Dated: March 8, 2022
Syracuse, New York


Hon. Glenn T. Suddaby
Chief U.S. District Judge