

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

THOMAS HENRY,

Plaintiff,

-v-

9:19-CV-1059

DAVID DINELLO,

Defendant.

APPEARANCES:

OF COUNSEL:

Thomas Henry
Plaintiff, Pro Se
19711
Cayuga County Jail
7445 County House Road
Auburn, NY 13021

HON. LETITIA JAMES
New York State Attorney General
Attorneys for Defendant
The Capitol
Albany, NY 12224

KONSTANDINOS D. LERIS, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Thomas Henry ("plaintiff") filed this action alleging that defendant violated his civil rights at Gouverneur Correctional Facility. On January 12, 2021, U.S. Magistrate Judge Therese Wiley Dancks advised by Report & Recommendation that defendant's motion to dismiss and for summary judgment be denied. Dkt. No. 27. Neither

party has filed an objection. Upon review for clear error, the Report & Recommendation is accepted and adopted in all respects. See FED. R. CIV. P. 72(b).

Therefore, it is

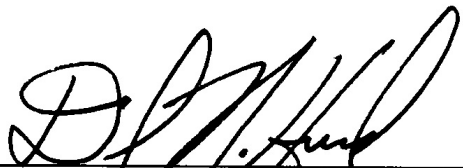
ORDERED that

1. Defendant's motion to dismiss and for summary judgment is DENIED.

The Clerk of the Court is directed to serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: February 4, 2021
Utica, New York.



United States District Judge