

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DARRELL CHAPMAN, a/k/a
Darrell Bishop Chapman,

Plaintiff,

9:19-CV-1257
(GTS/CFH)

v.

OFFICER MICHAEL A. BELIVEAU,
a/k/a John Doe (One); and
OFFICER MATTHEW A. COREY,
a/k/a John Doe (Two),

Defendants.

APPEARANCES:

OF COUNSEL:

DARRELL CHAPMAN, 25100-052
Plaintiff, *Pro Se*
Coleman Low Federal Correctional Institution
Inmate Mail/Parcels
P.O. Box 1031
Coleman, Florida 33521

HON. EUGENIA CONDON
Albany County Attorney
Counsel for Defendants
112 State Street
Albany, New York 12207

KEVIN M. CANNIZZARO, ESQ.
Assistant Albany County Attorney

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 Darrell Chapman (“Plaintiff”) against the two above-captioned law enforcement officers (“Defendants”), are (1) Defendants’ motion for summary judgment, and (2) United States Magistrate Judge Christian F. Hummel’s Report-Recommendation recommending that Defendants’ motion be

granted, and that Plaintiff's Complaint be dismissed with prejudice (and without prior leave to amend). (Dkt. Nos. 31, 36.) Plaintiff has not filed an Objection to the Report-Recommendation, and the time period in which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing the relevant filings in this action, the Court can find no clear error in the Report-Recommendation:¹ Magistrate Judge Hummel employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Court accepts and adopts the Report-Recommendation for the reasons stated therein, and Plaintiff's Complaint is dismissed with prejudice.


ACCORDINGLY, it is

ORDERED that Magistrate Judge Hummel's Report-Recommendation (Dkt. No. 36) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Defendants' motion for summary judgment (Dkt. No. 31) is **GRANTED** in its entirety; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED with prejudice**.

Dated: June 9, 2022
Syracuse, New York


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

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).