

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHRISTOPHER L. AYERS,

Plaintiff,

v.

9:20-CV-51
(GTS/TWD)

LT. SCARLOTTA, RICHARD MILLER,
CORR. OFFICER MCFERRIN,

Defendants.

APPEARANCES:

OF COUNSEL:

CHRISTOPHER L. AYERS, 97-A-1592

Plaintiff, *Pro Se*

Sullivan Correctional Facility

Box 116

Fallsburg, New York 12733

NEW YORK STATE OFFICE OF THE
ATTORNEY GENERAL -

Counsel for Defendants

The Capitol

Albany, New York 12224

LAUREN ROSE EVERSLEY, 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 Christopher L. Ayers (“Plaintiff”) against the above three employees of the New York State Department of Corrections and Community Supervision (“Defendants”) pursuant to 42 U.S.C. § 1983, are (1) Defendants’ Motion for Summary Judgment and (2) United States Magistrate Judge Thérèse Wiley Dancks’ Report-Recommendation recommending that Defendants’ motion be granted and

that Plaintiff's Second Amended Complaint be dismissed with prejudice. (Dkt. Nos. 58, 63.)

Neither 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 Dancks' thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.¹ Magistrate Judge Dancks 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 Second Amended Complaint is dismissed with prejudice.

ACCORDINGLY, it is


ORDERED that Magistrate Judge Dancks' Report-Recommendation (Dkt. No. 63) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Defendants' Motion for Summary Judgment (Dkt. No. 58) is **GRANTED**; and it is further

ORDERED that Plaintiff's Second Amended Complaint (Dkt. No. 50) is **DISMISSED** **WITH PREJUDICE**.

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).

Dated: June 1, 2021
Syracuse, New York


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