

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JUAN CANDELARIA,

Plaintiff,

v.

R. BAKER, et al.,

Defendants.

ORDER
00-CV-912A

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On February 9, 2010, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendants' motions for summary judgment be granted and that the third amended complaint be dismissed in its entirety.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendants' motions for summary judgment are granted and the third amended complaint is dismissed in its entirety.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: March 5, 2010