

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

A.M. GOODALE,

Plaintiff,

v.

DECISION AND ORDER

H.D. WETZEL, JR., et al.,

05-CV-616S(Sc)

Defendants.

1. Plaintiff commenced this civil rights action *pro se* on August 29, 2005. Defendant Kathleen Murray moved for summary judgment to dismiss the Complaint as to her. (Docket No. 37.)

2. The Court referred this matter to the Honorable Hugh B. Scott, United States Magistrate Judge, to hear and report upon dispositive motions and issue a Report and Recommendation for the consideration of the District Judge pursuant to 28 U.S.C. § 636(b)(1)(B).

3. In a Report and Recommendation dated January 16, 2009, Judge Scott recommended that Defendant Murray's Motion for Summary Judgment be granted.

4. No objections to the Report and Recommendation were received from either party within ten (10) days from the date of its service, in accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule 72.3(a)(3). However, Plaintiff did timely request an extension of time to file his objections. The Court granted his request and extended his time to file to March 10, 2009. Plaintiff did not thereafter file objections.

5. The Court has carefully reviewed Judge Scott's January 16, 2009 Report and Recommendation as well as the pleadings and materials submitted by the parties.

IT HEREBY IS ORDERED, that this Court accepts Judge Scott's January 16, 2009 Report and Recommendation (Docket No. 43) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that Defendant Kathleen Murray's Motion for Summary Judgment (Docket No. 37) is GRANTED;

FURTHER, that the Clerk of the Court is directed to terminate Kathleen Murray as a Defendant to this action.

FURTHER, that counsel for Defendants and Plaintiff shall appear before this Court on April 3, 2009, at 9:00 a.m. in Part IV, 68 Court Street, Buffalo, New York, for a status conference to set a trial date on the remaining claims.

FURTHER, that Plaintiff shall appear at the status conference by telephone.

FURTHER, that the Attorney General shall arrange for the facility to provide Plaintiff with access to a private phone line and his legal papers relative to this action at that time.

FURTHER, that on or before April 1, 2009, counsel for the Defendants shall notify this Court of a telephone number at which Plaintiff can be reached for the status conference.

SO ORDERED.

Dated: March 16, 2009
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge