UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NEW YORK

B.J.S., on behalf of N.S., a child with a disability,

Plaintiff,

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ORDER 07-CV-456A

THE STATE EDUCATION DEPARTMENT/ THE UNIVERSITY OF THE STATE OF NEW YORK, PAUL R. KELLY, STATE REVIEW OFFICER, RICHARD P. MILLS, COMMISSIONER OF EDUCATION, AND SPRINGVILLE-GRIFFITH INSTITUTE CENTRAL SCHOOL DISTRICT BOARD OF EDUCATION,

Defendants.

The above-referenced case was referred to Magistrate Judge Leslie G.

Foschio, pursuant to 28 U.S.C. § 636(b)(1)(B). On April 15, 2013, Magistrate Judge

Foschio filed a Report and Recommendation, recommending that defendant School

District's motion for summary judgment be granted.

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 Foschio's Report and Recommendation, defendant School

District's motion for summary judgment is granted.

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

SO ORDERED.

s / Richard_J. Hreara

HONORABLE RICHARD J. ARCARA UNITED STATES DISTRICT JUDGE

DATED: May 3, 2013