

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SHAWN WOODWARD, (00-A-6563)

Plaintiff,

v.

ORDER
08-CV-463

MULLAH, et al.,

Defendants.

This case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1). On November 9, 2009, plaintiff filed a motion for partial summary judgment and on November 10, 2009 filed a motion for leave to amend and to join new defendants. On February 22, 2010, Magistrate Judge McCarthy filed a Report, Recommendation and Order, recommending that plaintiff's motions for partial summary judgment and for leave to amend be denied, and ordering that his motion for sanctions be denied.¹

Plaintiff filed objections to the Report, Recommendation and Order on February 26, 2010. Defendants filed a response thereto.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those dispositive portions of the Report, Recommendation and

¹ The Report, Recommendation and Order also addressed other motions by plaintiff, but no party filed objections to those rulings.

Order, to which objections have been made. Upon a de novo review of the Report, Recommendation and Order, and after reviewing the submissions, the Court adopts the proposed findings of the Report, Recommendation and Order.

With respect to the motion for sanctions, Pursuant to 28 U.S.C. § 636(b)(1)(A), the district court "may reconsider any pretrial matter under this [section] where it has been shown that the magistrate's order is clearly erroneous or contrary to law."

The Court has reviewed the plaintiff's appeal and Magistrate Judge McCarthy's Report, Recommendation and Order. Upon such review, the Court finds that Magistrate Judge McCarthy's Report, Recommendation and Order is neither clearly erroneous nor contrary to law.

Accordingly, for the reasons set forth in Magistrate Judge McCarthy's Report, Recommendation and Order, plaintiff's motions for partial summary judgment and for leave to amend are denied, and his motion to join new defendants is granted. The case is referred back to Magistrate Judge McCarthy for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: May 5, 2010