

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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HERBERT LONG,

Plaintiff,

v.

ORDER  
09-CV-456A

KAREN CROWLEY, Deputy Superintendent  
of Programs, and  
HELEN C. MILLER, Senior Mail Clerk,

Defendants.

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The above-referenced case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(B). Plaintiff filed a motion for summary judgment on June 13, 2011 and defendants filed a motion for summary judgment on July 29, 2011. On March 22, 2011, Magistrate Judge Foschio filed a Report and Recommendation, recommending that plaintiff's motion for summary judgment be denied and that defendants' 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, plaintiff's motion for summary judgment is denied and defendants' motion for summary judgment is granted.

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

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: April 10, 2012