

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ANGEL MALDONADO,

Plaintiff,

v.

ORDER
11-CV-717

ANDREA W. EVANS, Chairwoman & CEO,
New York State Division of Parole and
BRIAN FISCHER, Commissioner,
New York State Department of
Correctional Services,

Defendants.

The instant case, involving federal constitutional claims pursuant to 42 U.S.C. §1983, was referred to Magistrate Judge H. Kenneth Schroeder, Jr. pursuant to 28 U.S.C. §636(b)(1). Plaintiff, who is proceeding *pro se*, claims that defendants Evans and Fischer violated his constitutional rights and deprived him of liberty by incarcerating him beyond his parole eligibility date. Plaintiff later amended his complaint to add Livingston Correctional Facility Parole Officer Diana Sherry and NYSDOP Field PO Susanna Mattingly. Both plaintiff and defendants filed motions for summary judgment. (Dkt. Nos. 62 and 69).

On September 26, 2014, Magistrate Judge Schroeder issued a Report and Recommendation recommending that plaintiff's motion for summary judgment be denied and that defendants' motion for summary judgment be granted. (Dkt. No. 81). Plaintiff filed objections on December 10, 2014 (Dkt. No. 84), defendants

filed a response on January 7, 2015 (Dkt. No. 87), and plaintiff filed a reply on March 10, 2015. The Court then deemed the matter submitted without oral argument.

Pursuant to 28 U.S.C. §636(b)(1), this Court must make a *de novo* determination of those portions of the Report and Recommendation to which objections have been made. Upon *de novo* review, and after reviewing the submissions from the parties, the Court hereby adopts the Magistrate Judge's recommendations in their entirety.

Accordingly, for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, plaintiff's motion for summary judgment is denied and defendants' motion for summary judgment is granted. The Second Amended Complaint is dismissed in its entirety, and the Clerk of the Court is instructed to close the case.

SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: March 27, 2015