

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DANIEL WILLIAMS,  
Plaintiff,

v.

DALE ARTUS, *et al.*,  
Defendants.

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**DECISION AND ORDER**  
13-CV-680-A

This *pro se* civil rights case was referred to Magistrate Judge Leslie G. Foschio pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On September 11, 2018, Magistrate Judge Foschio filed a lengthy Report and Recommendation (Dkt. No. 87), recommending primarily that defendants' motion for summary judgment (Dkt. No. 80) pursuant to Fed. R. Civ. P. 56 be granted.

On September 19, 2018, *pro se* plaintiff Williams filed objections to the Report and Recommendation. Dkt. No. 88. Defendants' filed a response on October 5, 2018 (Dkt. No. 90), and plaintiff filed a reply on October 12, 2018. Dkt. No. 91. The matter has been deemed submitted.

The Court has carefully reviewed the Report and Recommendation, the record in the case, including the pleadings and materials submitted by the parties while giving due deference to plaintiff Williams' submissions because of status as a *pro se* litigant who is imprisoned, *Tracy v. Freshwater*, 623 F.3d 90, 101 (2d Cir. 2010) (collecting cases), and it is hereby

**ORDERED**, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in the Report and Recommendation (Dkt. No.87), the defendants' motion for summary

judgment (Dkt. No. 80) pursuant to Fed. R. Civ. P. 56 is granted.

The Clerk shall enter Judgment in favor of defendants E. Mendez, Correctional Sergeant, Thomas Sticht, Deputy Superintendent for Security, Edward J. Meyer, Correctional Captain, D. Ferron, Correctional Guard, Garrow, Correctional Guard, Baran, Correctional Guard, Winagle, Registered Nurse, W. Rivera, Mail Room Clerk, D. Pokigo, Correctional Guard, H. Oberteau, Physician Assistant, and Albert Prack, Director of Special Housing Disciplinary Program, and shall close the case.

**IT IS SO ORDERED.**

*s/Richard J. Arcara*  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: November 4, 2019