

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SHAWN EVANS, 11-A-0681,

Plaintiff,

v.

DECISION AND ORDER
13-CV-805A

CORRECTION OFFICER M. BALMER, et al.,

Defendants.

This case was referred to Magistrate Judge Hugh B. Scott pursuant to 28 U.S.C. § 636(b)(1). On September 20, 2016, Magistrate Judge Scott filed a combined Report and Recommendation and Decision and Order (Dkt. No. 93), recommending that plaintiff's motions for prospective or injunctive relief (Dkt. Nos. 86 and 89) be denied, and ordering that plaintiff's motion for video footage (Dkt. No. 90) be granted in part and denied in part. Magistrate Judge Scott further ordered that plaintiff's motion for an extension of time (Dkt. No. 91) be granted, and that the other pending motions (Dkt. Nos. 73, 78 and 80) be denied in their entirety.

Plaintiff then filed what he has styled as "Objections to the Decision and Order with Report and Recommendation." Dkt. No. 96. Significant parts of plaintiff's objections, however, appear to simply repeat, verbatim, portions of Judge Scott's Report and Recommendation and Decision and Order. Plaintiff offers no explanation for this, and his failure to comply with Local Rule of Civil Procedure 72 would ordinarily lead to the Court construe his submission as non-objections. See *Mineweaser v. City of N. Tonawanda*, 14-CV-144-RJA-JJM, 2016 WL 3279574 (W.D.N.Y. June 15,

2016). Nonetheless, because of plaintiff's *pro se* status, the Court will consider plaintiff's "objections" as proper objections. Plaintiff is advised, however, that any future objections must comply with Local Rule 72.

Pursuant to 28 U.S.C. § 636(b)(1), the Court reviews Judge Scott's recommendations to which plaintiff has objected *de novo*, and pursuant to 28 U.S.C. § 636(b)(1)(A), the Court reviews Judge Scott's non-dispositive orders to determine whether they are clearly erroneous or contrary to law. The Court has carefully reviewed Judge Scott's Report and Recommendation and Decision and Order, the record in this case, and the pleadings and materials submitted by the parties. Upon such review, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), the Court adopts Judge Scott's Report and Recommendation in its entirety, and pursuant to and 28 U.S.C. § 636(b)(1)(A), the Court affirms Judge Scott's Decision and Order in its entirety.

The case is referred back to Magistrate Judge Scott for further proceedings.

IT IS SO ORDERED.

Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: November 23, 2016