

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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CARLOS RODRIGUEZ,

Plaintiff,

v.

S. PATCHEN, *et al.*,

Defendants.

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**DECISION AND ORDER**  
13-CV-1086-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 March 1, 2018, Magistrate Judge Foschio filed a Report and Recommendation (Dkt. No. 62) recommending that a motion of defendants Shawn Patchen, Jesus Morales, Michael Rasmus and Kimberly Cheasman for summary judgment under Fed. R. Civ. P. 56 (Dkt. No. 44) be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and no objections to the Report and Recommendation having been timely filed, it is hereby

**ORDERED**, pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation (Dkt. No. 62), defendant's motion for summary judgment pursuant to Fed. R. Civ. P. is granted, and the Clerk shall therefore enter Judgment in favor of defendants Shawn Patchen, Jesus Morales,

Michael Rasmus and Kimberly Cheasman.

**IT IS SO ORDERED.**

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

Dated: May 8, 2018