

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LETHONIA MILLER,

Plaintiff,

v.

NEW YORK STATE POLICE, *et al.*,

Defendants.

DECISION AND ORDER

14-CV-393-A

This case involving claims of race discrimination in employment and retaliation was referred to Magistrate Judge Leslie G. Foschio pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. Discovery was completed and on August 22, 2019, Magistrate Judge Foschio filed a Report and Recommendation (Dkt. No. 95) recommending that the motions of defendants New York State Police, Francis P. Christensen, and Kevin Kendall for summary judgment pursuant to Fed. R. Civ. P. 56(c) (Dkt. Nos. 74, 76) be granted. The Magistrate Judge determined that no trial is necessary to conclude that plaintiff Miller is unable to prove any of his claims.

Plaintiff Miller filed objections to the Report and Recommendation (Dkt. Nos. 98, 103, 104, and 106) and the defendants responded (Dkt. Nos. 101, 102, 107 and 108). The Court heard oral argument on August 14, 2020.

The Court presumes the parties' familiarity with the evidentiary record and the legal issues before the Court. Upon *de novo* review of the objections of plaintiff

Miller, the Court finds that, when plaintiff's objections are assessed in a light most favorable to plaintiff, and in light of the relevant evidence in admissible form, no genuine issues of material fact exist with respect to plaintiff's claims. The Court therefore adopts the Report and Recommendation (Dkt. No. 95) and grants the motions of defendants New York State Police, Francis P. Christensen, and Kevin Kendall for summary judgment pursuant to Fed. R. Civ. P. 56(c) (Dkt. Nos. 74, 76), for the reasons stated in the Report and Recommendation.

The Clerk shall enter Judgment for defendants New York State Police, Francis P. Christensen, and Kevin Kendall and close the case.

IT IS SO ORDERED.

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

Dated: November 3, 2020