

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ANTHONY RUGGIERO,

Plaintiff,

v.

DECISION AND ORDER
15-CV-962-A

BRIAN FISHER, et al.,

Defendants.

This case was referred to Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On August 25, 2017, Magistrate Judge McCarthy filed a Report and Recommendation (Dkt. No. 74) recommending that Defendants' motion to dismiss Plaintiff Ruggiero's claim for declaratory relief (Dkt. No. 57) 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 McCarthy's Report and Recommendation, Plaintiff Ruggiero's claim for declaratory relief is dismissed.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: January 16, 2018

