

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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RANDOLPH SCOTT,  
Plaintiff,

v.

TIMOTHY B. HOWARD, Sheriff, and  
COUNTY OF ERIE, as "Person,"

Defendants.

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**DECISION AND ORDER**  
15-CV-1000-A

This 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 October 26, 2020, Magistrate Judge Foschio filed a Report and Recommendation (Dkt. No. 156), recommending that Defendants' motion for summary judgment pursuant to Fed. R. Civ. P. 56 (Dkt. No. 142) be granted.

On November 13, 2020, plaintiff Randolph Scott, who is appearing *pro se*, filed objections to the Report and Recommendation. Dkt. No. 157. Defendants filed a response on January 7, 2021. Dkt. No. 161. No reply was filed, and the matter was deemed submitted without oral argument.

Pursuant to 28 U.S.C. §636(b)(1), the Court reviews the portions of a magistrate judge's report and recommendation to which objections are made by a *de novo* standard of review. Upon *de novo* review, and for the reasons stated in the Report and Recommendation, the Court adopts the conclusion in the

Report and Recommendation, and it is hereby

**ORDERED** that Defendants' motion for summary judgment pursuant to Fed. R. Civ. P. 56 (Dkt. No. 142) is granted. The Clerk of the Court shall enter judgment for the Defendants and take all steps necessary to close the case.

**IT IS SO ORDERED.**

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

Dated: May 13, 2021