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> UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NEW YORK

DARRYL HOLLAND.

Plaintiff,

-VS-

DECISION and ORDER

GLENN S. GOORD, et al.,

05-CV-6295-CJS-MWP

Defendants.

Siragusa, J. The Court referred this case on November 19, 2007, to U.S. Magistrate Judge Marion W. Payson pursuant to 28 U.S.C. § 636(b)(1). On February 25, 2010, Defendants moved (Docket No. 63) to amend their answer to include an affirmative

defense. On August 17, 2010, Judge Payson filed a Report and Recommendation

recommending that the Court deny Defendants' motion. On August 19, 2010, Defendants

filed objections and Plaintiff filed its reply to Defendants' objections on August 30, 2010.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a *de novo* determination of those portions of the Report and Recommendation to which objections have been made.

Upon a de novo review of the Report and Recommendation, and after reviewing the

submissions of the parties, the Court accepts the proposed findings of the Report and

Recommendation.

Accordingly, for the reasons set forth in Judge Payson's Report and Recommendation, Defendants' motion to amend (Docket No. 63) their answer is denied.

IT IS SO ORDERED.

Dated: October 7, 2010

Rochester, New York

ENTER:

/s/ Charles J. Siragusa CHARLES J. SIRAGUSA

United States District Judge