



events surrounding the incidents at issue in this case. After the motion was fully briefed by the parties, Judge Pesto issued a Report and Recommendation (“R&R”) on July 22, 2022, recommending that Defendants’ motion be granted and that judgment be entered in favor of Defendants and against Plaintiff on all claims [ECF No. 69].

Timely objections to the R&R, together with a supporting brief, were filed by Plaintiff on August 4, 2022 [ECF Nos. 73, 74]. The Court finds the majority of Plaintiff’s objections to be self-serving, argumentative, and/or inconsequential. Indeed, the only objection raised by Plaintiff that warrants further comment is his correct observation that the R&R contains “no indication” that Judge Pesto viewed the videos, which, Plaintiff claims, are “irrefutable” and “may be exculpatory” (ECF No. 73, at ¶ 8). In response to Plaintiff’s objections, Judge Pesto placed on the docket a memorandum [ECF No. 76] stating, *inter alia*, that he “found reference to the video evidence unnecessary,” and that his “description of the footage would be of no value to the Court” (Id. at p. 1). It is unclear from these statements whether Judge Pesto actually reviewed the videos and chose not to refer to them in the R&R, or whether he simply chose not to view the videos because Plaintiff noted in his Statement of Facts that the “video footage was irrelevant” (Id.). Nonetheless, after conducting its own review of the video evidence of record, the Court finds that the taped footage reveals nothing that would support Plaintiff’s claims in this matter. Thus, Judge Pesto’s failure to refer to the videos in his R&R, though regrettable, is ultimately harmless.

After *de novo* review of the complaint, documents, and evidence in this case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 15 day of September, 2022;

IT IS HEREBY ORDERED that Defendants' motion for summary judgment [ECF No. 53] is GRANTED and judgment is entered in favor of Defendants and against Plaintiff on all claims in this case. The report and recommendation of Magistrate Judge Pesto, issued July 22, 2022 [ECF No. 69], is adopted as the opinion of the Court.

The Clerk is directed to mark this case CLOSED.

  
SUSAN PARADISE BAXTER  
United States District Judge

cc: The Honorable Keith A. Pesto  
U.S. Magistrate Judge

all parties of record