

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SANTOS ARROYO,

Plaintiff,

vs.

No. 9:08-CV-61  
(J. Scullin)

DR. GEORGE STURTZ,

Defendant.

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APPEARANCES:

SANTOS ARROYO,  
*Plaintiff Pro Se*  
2949 8<sup>TH</sup> Avenue, Apt. 12K  
New York, New York 10039

OF COUNSEL

OFFICE OF THE ATTORNEY GENERAL  
State of New York  
Attorney for Respondent  
The Capitol  
Albany, NY 12224

ROGER W. KINSEY, ESQ.  
Assistant Attorney General

**FREDERICK J. SCULLIN, JR., S.J.**

**DECISION AND ORDER**

Currently before the Court is Magistrate Judge Gustave J. DiBianco's Report-Recommendation filed August 31, 2009 to which the parties have filed no objections. Accordingly, the Court having reviewed that Report and Recommendation and the entire file in this matter, the Court hereby

**ORDERS** that the Report-Recommendation of Magistrate Judge Gustave J. DiBianco filed August 31, 2009 is **ACCEPTED** in its entirety, for the reasons stated therein, and the Court further

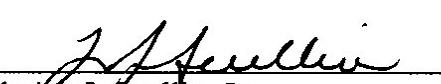
**ORDERS** that defendant's motion for summary judgment is **GRANTED**, and the Court further

**ORDERS** that the complaint is **DISMISSED IN ITS ENTIRETY**, and the Court further

**ORDERS** that the Clerk of the Court is to enter judgment in favor of the defendant and close this case.

**IT IS SO ORDERED.**

**Dated:** September 29, 2009  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge