

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAVID ROBINSON,

1:14-CV-141
(DNH/CFH)

Plaintiff,

-v-

COMMISSIONER PETER M. RIVERA, et al.,

Defendants.

APPEARANCES:

DAVID ROBINSON
Plaintiff, Pro Se
134-34 241 Street
Rosedale, NY 11422

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff is a sovereign citizen seeking damages and injunctive relief contending that defendants have "failed to discharge the debt as is required by law and has levy Mr. Robinson eight (8) transactions and counting," establishing a pattern or policy of failing to discharge debt upon proper notification. Compl., ¶¶ 25–26. On February 12, 2014, the Honorable Christian F. Hummel, United States Magistrate Judge, advised, by Report-Recommendation, that plaintiff's complaint be dismissed for failure to state a claim or alternatively that plaintiff be given leave file an amended complaint. Plaintiff timely filed objections to the Report-Recommendation.

Based upon a de novo review of the portions of the Report-Recommendation to which plaintiff objected, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. § 636(b)(1).

Therefore, it is

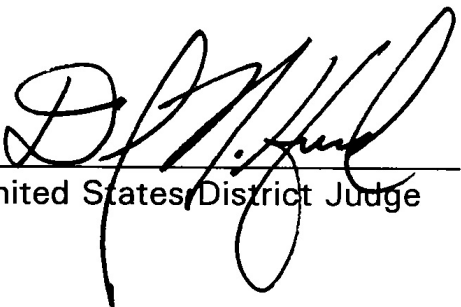
ORDERED that

1. Plaintiff's complaint is DISMISSED, unless within thirty (30) days of the date of this Decision and Order, plaintiff files an amended complaint that remedies the deficiencies identified in the Report-Recommendation;

2. In the event that plaintiff files an amended complaint within thirty (30) days, this case is referred back to Magistrate Judge Hummel for further review; and

3. The Clerk is directed to serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.


United States District Judge

Dated: March 17, 2014
Utica, New York.