

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHARLES J. ANTHONY, SR.,

Plaintiff,

-v-

5:15-CV-0451
(DNH/TWD)

HEATHER BROCKWAY,

Defendant.

APPEARANCES:

CHARLES J. ANTHONY, SR.
Plaintiff, *Pro se*
8819 Gaskin Road
Clay, NY 13041

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Charles J. Anthony, Sr. brought this civil rights action pursuant to 42 U.S.C. § 1983. On September 4, 2015, the Honorable Thérèse Wiley Dancks, United States Magistrate Judge, advised by Report-Recommendation that plaintiff's second amended complaint be dismissed without leave to amend pursuant to 1915(e)(2)(B)(ii) for failure to state a claim. Plaintiff submitted objections to the Report-Recommendation. See ECF No. 17.

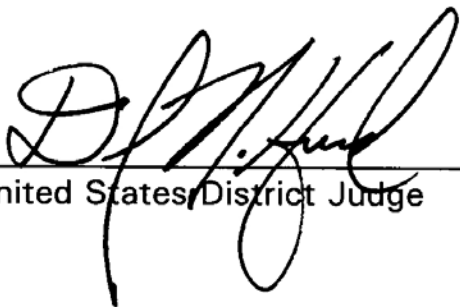
Based upon a de novo review of the portions of the Report-Recommendation to which plaintiff objected, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is ORDERED that:

1. Plaintiff's second amended complaint (ECF No. 12) is **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. 1915(e)(2)(B)(ii); and
2. The Clerk serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

The Clerk of the Court shall enter judgment and close this case.

IT IS SO ORDERED.



United States District Judge

Dated: September 30, 2015
Utica, New York