

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

	:	
DANIEL STRYKER,	:	Civil Action No. 07-4923(FLW)
	:	
Plaintiff,	:	
	:	ORDER
v.	:	
	:	
OFFICER GRANAHAN, <u>et al.</u> ,	:	
	:	
Defendants.	:	
	:	

THIS MATTER having been opened to the Court by Sharon H. Moore, Esq., counsel for Defendant Officer Granahan (“Granahan”), on a motion to dismiss; it appearing that Plaintiff Daniel Stryker (“Plaintiff”), a former inmate of the East Jersey State Prison, filed a Complaint against Granahan and defendants, Officer Tozzi, Sheriff Officer Sidorski, Nurse Quinn, Warden O’Neil (collectively “Defendants”), on October 12, 2007; it appearing that by Opinion and Order dated December 14, 2007, the Court dismissed claims against defendants Quinn and O’Neil; it appearing that Plaintiff served Granahan, Tozzi and Sidorski on March 5, 2008; it appearing that only Granahan filed an answer to Plaintiff’s Complaint; it appearing that on November 3, 2008, defendant Granahan filed the instant motion to dismiss Plaintiff’s Complaint for failure to obey the Court’s orders and prosecute his claims; it appearing that Plaintiff did not file an opposition to the motion; it appearing that after weighing the Poulis factors, the Honorable Tonianne J.

Bongiovanni, U.S.M.J., recommended dismissal of the Complaint against Granahan; it appearing that since the pendency of this case, Plaintiff has been released from custody of the New Jersey Department of Corrections on October 28, 2008; it appearing that Plaintiff has failed to inform the Court of his new forwarding address or otherwise contact the Court in any manner in violation of L. Civ. R. 10.1. and Fed R. Civ. P. 37; it appearing that although defendants Tozzi and Sidorski have failed to answer Plaintiff's Complaint, Plaintiff has failed to move for default against them; accordingly, for the reasons set forth herein, and for the reasons stated in Magistrate Judge Bongiovanni's Report and Recommendation dated December 17, 2008, and for good cause shown,

IT IS on this 8th day of April, 2009,

ORDERED that the Report and Recommendation of Magistrate Judge Bongiovanni shall be adopted,

ORDERED that defendant Officer Granahan's Motion is GRANTED; it is further

ORDERED that all the claims against Defendants are dismissed.

DATED: April 8, 2009

/s/Freda L. Wolfson
Freda L. Wolfson, U.S.D.J.