

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARK R. FERRAN and NADIA FERRAN,

1:05-CV-00161
(DNH/CFH)

Plaintiffs,

-v-

OFFICE OF THE DISTRICT ATTORNEY OF
THE COUNTY OF RENSSELAER; KENNETH R.
BRUNO, in his individual and official capacity;
RENSSELAER COUNTY; PATRICIA
DEANGELIS, District Attorney, in her individual
and official capacity; and JAMES CANFIELD,
individually and in his capacity as Justice of the
Supreme Court of the State of New York,

Defendants.

APPEARANCES:

MARK R. FERRAN
Plaintiff pro se
36 Winnie Road, Apt. 1A
Albany, NY 12208

NADIAN FERRAN
Plaintiff pro se
114 Morton Avenue
Albany, NY 12202

HON. ANDREW M. CUOMO
Attorney General for the
State of New York
Attorney for Defendants
The Capitol
Albany, NY 12224

JAMES B. McGOWAN, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiffs brought this civil rights action pursuant to 42 U.S.C. § 1983. On June 28, 2013, the Honorable Christian F. Hummel, United States Magistrate Judge, advised, by Report-Recommendation, that this matter be dismissed without prejudice due to the plaintiffs' failure to serve the complaint within the time specified by the Federal Rules of Civil Procedure. Plaintiffs timely filed objections to the Report-Recommendation.

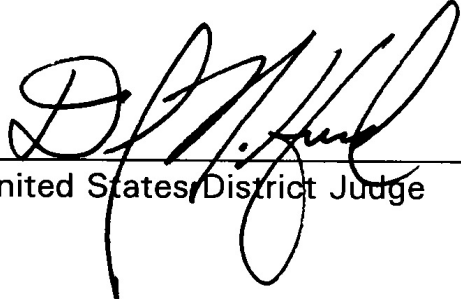
Based upon a de novo determination of the portions of the Report-Recommendation to which plaintiffs objected, the Report-Recommendation is accepted in whole. See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that

Plaintiffs' complaint is DISMISSED without prejudice due to their failure to serve the complaint within the time specified by the Federal Rules of Civil Procedure.

IT IS SO ORDERED.


United States District Judge

Dated: July 17, 2013
Utica, New York.