

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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TIMOTHY J. OGSBURY,

Plaintiff,

- v -

Civ. Nos. 1:09-CV-35 (LEAD)  
1:09-CV-36 (MEMBER)  
(LEK/RFT)

ONEBEACON INS. GROUP,

Defendant.

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**APPEARANCES:**

**OF COUNSEL:**

TIMOTHY J. OGSBURY  
Plaintiff, *Pro Se*  
70 Esopus Drive  
Clifton Park, New York 12065

**RANDOLPH F. TREECE**  
**United States Magistrate Judge**

**REPORT-RECOMMENDATION and ORDER**

On January 12, 2009, *pro se* Plaintiff Timothy Ogsbury initiated two separate civil actions in this Court against Defendant OneBeacon Insurance Group. *See* Civ. Nos. 1:09-CV-35 (RFT/TJM) & 1:09-CV-36 (GLS/RFT). At the time Plaintiff initiated these actions, he sought permission to proceed *in forma pauperis*.<sup>1</sup> On February 25, 2009, this Court issued an Order which, *inter alia*, consolidated Plaintiff's two pending actions, with case number 1:09-CV-35 designated as the lead case, and denied Plaintiff's Motions to Proceed *In Forma Pauperis*. Dkt. No. 4. We directed Plaintiff to pay the entire filing fees required in both cases in order for these matters to proceed. *Id.* at pp. 2-3. We further advised that "unless [Plaintiff] pays the \$350.00 filing fees in full for both actions within **thirty (30) days** of the filing date of [that] Order, this Court [would]

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<sup>1</sup> Ogsbury also sought court appointed counsel, which was denied.

recommend dismissal of this action.” *Id.* at p. 3 (emphasis in original). More than three months have elapsed since the Court issued that Order and Plaintiff has not yet paid the required fees; his failure to submit the required fees warrants dismissal of these matters. N.D.N.Y.L.R. 5.2(a).

**WHEREFORE**, it is hereby

**RECOMMENDED**, that the above entitled actions be **DISMISSED** due to Plaintiff’s failure to comply with the Court’s Order and pay the filing fees in full; and it is further

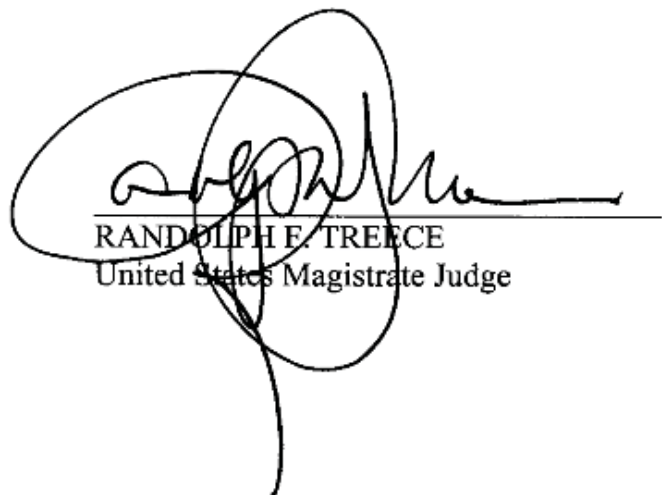
**ORDERED**, that the Clerk of the Court serve a copy of this Report-Recommendation and Order upon the parties to this action.

Pursuant to 28 U.S.C. § 636(b)(1), the parties have ten (10) days within which to file written objections to the foregoing report. Such objections shall be filed with the Clerk of the Court.

**FAILURE TO OBJECT TO THIS REPORT WITHIN TEN (10) DAYS WILL PRECLUDE**

**APPELLATE REVIEW.** *Roldan v. Racette*, 984 F.2d 85, 89 (2d Cir. 1993) (citing *Small v. Sec’y of Health and Human Servs.*, 892 F.2d 15 (2d Cir. 1989)); *see also* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72, 6(a), & 6(e).

Date: June 25, 2009  
Albany, New York



RANDOLPH E. TREECE  
United States Magistrate Judge