

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

VICTOR JEROME ALLEN,

Plaintiff,

-against-

1:09-CV-0711 (LEK/RFT)

GEICO INDEMNITY COMPANY,

Defendant.

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on August 14, 2009, by the Honorable Randolph F. Treece, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 7).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Treece's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

**ORDERED**, that the Report-Recommendation (Dkt. No. 7) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

**ORDERED**, that in light of Plaintiff's *pro se* status, prior to any dismissal, Plaintiff be afforded thirty days to amend his Complaint consistent with the instructions in the Report-

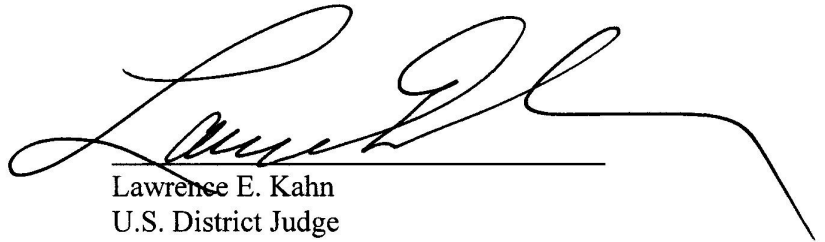
Recommendation (Dkt. No. 7); and it is further

**ORDERED**, that should the Plaintiff fail to file an amended Complaint within thirty days of this Order, the above-captioned action is **DISMISSED in its entirety** without further order of the Court; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: August 31, 2009  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge