UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

PHILLIP CLAYTON,

Plaintiff,

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1:10-CV-1079 (TJM/DRH)

COMMUNITY LAND TRUST; BEVERLY BURNETT; ROGER LEWIS; and CONNIE CHAVEZ,

Defendants.

THOMAS J. McAVOY, Senior United States District Judge

DECISION & ORDER

In a Report-Recommendation and Order dated November 30, 2010, United States Magistrate Judge David R. Homer recommends that this *pro se* action commenced pursuant to 42 U.S.C. § 1983 "be dismissed in its entirety without prejudice pursuant to Fed. R. Civ. P. 16(f)(1)(C) and 37(b)(2)(A)(v) for failure to comply with the Court's September 20, 2010 order." Dkt. # 7.

Plaintiff has not filed objections to the Report-Recommendation and Order and the time to do so has expired.

The Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice. Accordingly, the Court adopts the Report-Recommendation and Order for the reasons stated therein.

It is therefore,

ORDERED that the complaint in this action is **DISMISSED** in its entirety without prejudice.

IT IS SO ORDERED

DATED:December 25, 2010

Thomas J. McKvoy Senior, U.S. District Judge