

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

DAMIAN TRAPANI,

Plaintiff,

- v -

**Civ. No. 1:10-CV-1353
(TJM/RFT)**

**ROBERT CARNEY, District Attorney;
JANE DOE, Asst. District Attorney,**

Defendants.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION & ORDER

I. INTRODUCTION

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. Randolph F. Treece, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to the Report-Recommendation and Order dated December 13, 2010 have been filed, and the time to do so has expired. Furthermore, after examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice.

II. CONCLUSION

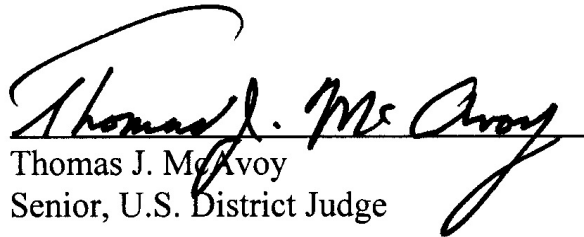
Accordingly, the Court **ADOPTS** the Report-Recommendation and Order for the reasons stated therein. Furthermore, the action **WILL BE DISMISSED** pursuant to 28

U.S.C. § 1915(e)(2)(B)(ii) THIRTY (30) DAYS FROM THE DATE OF THIS DECISION AND ORDER UNLESS, BEFORE THE EXPIRATION OF THAT TIME PERIOD, PLAINTIFF FILES AN AMENDED COMPLAINT CONSISTENT WITH THE INSTRUCTIONS PROVIDED IN THE REPORT-RECOMMENDATION AND ORDER. If

Plaintiff fails to file an amended complaint in the time period allowed, no further of the Court will issue and the action will be dismissed.

IT IS SO ORDERED

DATED: January 12, 2011


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