

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CLARENCE DELANEY, JR.

Plaintiff,

-v.-

Civil Action No.
1:11-cv-684 (GLS/RFT)

MONTGOMERY TRANSITIONAL SERVICES,
INC.; KIMMBERLI FLORY; JANE DOE; NEW
YORK STATE OFFICE OF MENTAL HEALTH;
JANINE DYKEMAN, Executive Director of
Montgomery Transitional Services, Inc.; LORI
LAVENIA, Apartment Counselor; SUE HERBA,
Entitlement Specialist,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

CLARENCE DELANEY, JR.
Plaintiff, *Pro Se*
P.O. Box 6071
Albany, New York 12206

GARY L. SHARPE,
CHIEF JUDGE

ORDER

The above-captioned matter comes to this court following a Report-
Recommendation by Magistrate Judge Randolph F. Treece, duly filed March
2, 2012. Following ten days from the service thereof, the Clerk has sent the

file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

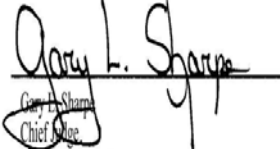
ORDERED, that the Report-Recommendation of Magistrate Judge Randolph F. Treece filed March 2, 2012 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED that the Second Amended Complaint (Dkt. No. 22) is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) & (iii) for failure to state a claim upon which relief may be granted and for failure to establish subject matter jurisdiction, and it is further

ORDERED, that the Clerk of the Court is to mail a copy of this order to the plaintiff by certified mail.

IT IS SO ORDERED.

Dated: April 26, 2012
Albany, New York


Gary L. Sharpe
Chief Judge
U.S. District Court