

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

**JUDGMENT IN A CIVIL CASE**

**Tracy Barber**  
Plaintiff  
vs.

**CASE NUMBER: 1:13-CV-331 (NAM/RFT)**

**State of New York**  
Defendant

**Decision by Court.** This action came to hearing before the Court. The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That Magistrate Judge Randolph F. Treece's 4/9/2013 Report-Recommendation is accepted in its entirety. It is ORDERED that Plaintiff's entire complaint is dismissed pursuant to 28 U.S.C. 1915(e)(2)(B)(ii) for failing to state a claim upon which relief can be granted unless, the plaintiff files an Amended Complaint consistent with the Report-Recommendation on or before July 12, 2013. It is ORDERED that in the event an Amended Complaint is not filed, the Clerk of the Court enter judgment and close this action. Therefore a judgment is entered and this action is closed as Plaintiff failed to file an Amended Complaint on or before July 12, 2013.

All of the above pursuant to the order of the Honorable Judge Norman A. Mordue, dated the 11 day of June, 2013.

DATED: July 16, 2013

  
Clerk of Court

By: s/ \_\_\_\_\_  
Nicole Killius  
Deputy Clerk