

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

---

**VERNON MURPHY,**

**Plaintiff,**

**1:13-cv-1433  
(GLS/DJS)**

**v.**

**THOMAS GIBBONS, *et al.***

**Defendants.**

---

**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

VERNON MURPHY  
Plaintiff, *Pro Se*  
229 Delaware Avenue  
First Floor  
Albany, New York 12209

**FOR THE DEFENDANTS:**

Rehfuss, Liguori Law Firm  
40 British American Blvd.  
Latham, New York 12110

ABIGAIL W. REHFUSS, ESQ.  
STEPHEN J. REHFUSS, ESQ.

**Gary L. Sharpe**  
**Senior District Judge**

**ORDER**

The above-captioned matter comes to this court following an Report-  
Recommendation and Order by Magistrate Judge Daniel J. Stewart, duly

filed on January 6, 2017. (Dkt. No. 78.) Following fourteen 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 Report-Recommendation and Order for clear error, it is hereby

**ORDERED** that the Report-Recommendation and Order (Dkt. No. 78) is **ADOPTED** in its entirety; and it is further

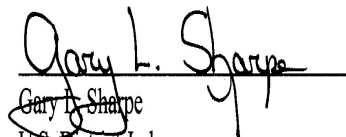
**ORDERED** that this action is dismissed due to Plaintiff's apparent abandonment, failure to prosecute, and failure to provide an updated address. See N.D.N.Y.L.R. 41.2(b)(dismissal of action appropriate where petitioner fails to notify Court of change of address); and it is further

**ORDERED** that the Clerk is directed to close the case; and it is further

**ORDERED** that the clerk provide a copy of this Order to the parties in accordance with the court's Local Rules of Practice.

**IT IS SO ORDERED.**

January 30, 2017  
Albany, New York

  
Gary L. Sharpe  
U.S. District Judge