

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMES H. MADDOX,

1:14-CV-143
(DNH/RFT)

Plaintiff,

-v-

LINDA A. JOYCE,

Defendant.

APPEARANCES:

JAMES H. MADDOX
Plaintiff, Pro Se
196 Cedarwood Ter. Apt. 1
Rochester, NY 14609

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. On April 23, 2014, the Honorable Randolph F. Treece, United States Magistrate Judge, advised, by Report-Recommendation that plaintiff's complaint be dismissed for failure to state a claim upon which relief can be granted but recommended that plaintiff be given an opportunity to file an amended complaint prior to dismissal. Magistrate Judge Treece also recommended denying plaintiff's motion for a Temporary Restraining Order. Plaintiff timely filed objections to the Report-Recommendation.

Based upon a de novo review of the portions of the Report-Recommendation to which plaintiff objected, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

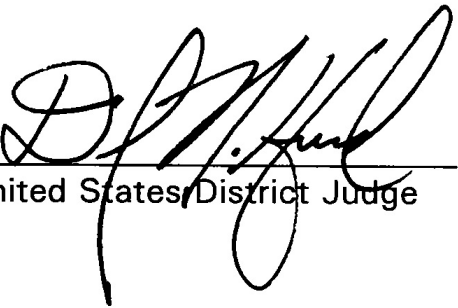
ORDERED that

1. Plaintiff's motion for a Temporary Restraining Order is DENIED;

2. Plaintiff's complaint is DISMISSED for failure to state a claim upon which relief can be granted, unless within 30 days of the date of this Decision and Order, plaintiff files an amended complaint complying with the specifications set forth in the Report-Recommendation, alleging all claims of misconduct or wrongdoing against all defendants that he has a legal right to pursue and over which this Court has jurisdiction; and

3. The Clerk serve this order upon the parties in accordance with the Local Rules.

IT IS SO ORDERED.



United States District Judge

Dated: May 16, 2014
Utica, New York.