

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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TOMAS BURGOS,

Plaintiff,

No. 1:14-CV-687  
(DNH/RFT)

-v-

TROOPER A. M. HUGGINS; SPECIAL  
AGENT BRYAN HAAG; MAGISTRATE DAVID  
R. HOMER; MAGISTRATE CHRISTIAN F.  
HUMMEL; JUDGE GARY L. SHARPE;  
SHERIFF JACK MAHAR; and COUNTY OF  
RENSSELAER,

Defendants.

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APPEARANCES:

OF COUNSEL:

TOMAS BURGOS  
Plaintiff pro se  
36229  
Last Known Address  
Rensselaer County Jail  
4000 Main Street  
Troy, NY 12180

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Pro se plaintiff Tomas Burgos brought this civil rights action pursuant to 42 U.S.C. § 1983 and Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). On January 13, 2015, the Honorable Randolph F. Treece, United States Magistrate Judge, advised by Report-Recommendation that plaintiff's complaint be dismissed

as against defendants Homer, Hummel, and Sharpe because they are absolutely immune from suit and any claims for false imprisonment and false arrest be dismissed for failure to state a claim. No objections to the Report-Recommendation were filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

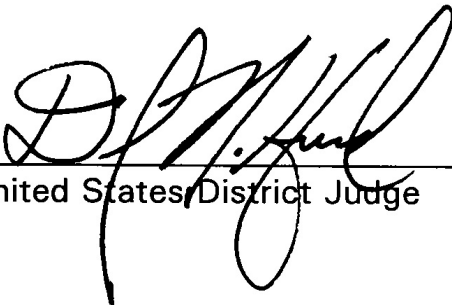
Therefore, it is

ORDERED that

1. Plaintiff's complaint is DISMISSED in its entirety with prejudice, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e)(2)(B)(ii), for failure to state a claim upon which relief can be granted and for naming defendants who are protected by absolute immunity; and

2. The Clerk is directed to file a judgment accordingly, serve a copy of this Decision and Order and the judgment on plaintiff, and close the file.

IT IS SO ORDERED.



United States District Judge

Dated: February 5, 2015  
Utica, New York.