

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

JOSHUA G. STEGEMANN,

Plaintiff,

v.

1:15-CV-21

RENSSELAER COUNTY SHERIFF'S OFFICE, et al.,

Defendants.

DECISION & ORDER

Thomas J. McAvoy, Senior District Judge.

This *pro se* civil rights action pursuant to 42 U.S.C. § 1983, Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971), and other federal and state statutes, alleges violations of Plaintiff's rights in a search and seizure of his property by agents during a drug raid. The matter was referred to Christian F. Hummel, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

In the Report-Recommendation, dated February 3, 2015, Magistrate Judge Hummel recommends that Plaintiff's Complaint be dismissed in its entirety with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii)-(iii) for failure to state a claim upon which relief can be granted. See dk. # 5.

Plaintiff filed timely objections to the Report-Recommendation pursuant to 28 U.S.C. § 636(b)(1). When objections to a magistrate judge's Report-Recommendation are lodged, the Court makes a "*de novo*" determination of those portions of the report or

specified proposed findings or recommendations to which the objection is made.” See 28 U.S.C. §636(b)(1). After such a review, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” Id.

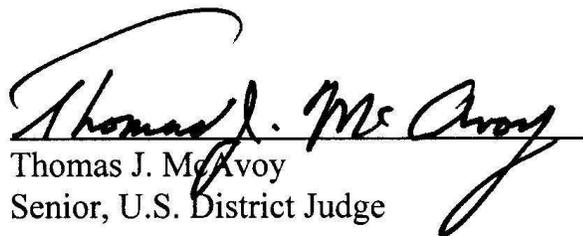
Having reviewed the record *de novo* and having considered the issues raised in the Plaintiff’s objections, this Court has determined to accept the recommendation of Magistrate Judge Hummel for the reasons stated in the Report-Recommendation.

It is therefore ordered that:

- (1) Plaintiff’s Objections, dkt. # 6 to the Report-Recommendation of Magistrate Judge Hummel, dkt. # 5, are hereby OVERRULED;
- (2) The Report-Recommendation is hereby ADOPTED;
- (3) The Plaintiff’s Complaint, dkt. # 1, is hereby DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

Dated: February 19, 2015


Thomas J. McAvoy
Senior, U.S. District Judge