

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ALEXANDER MCFADDEN,

Plaintiff,

v.

1:15 -CV-0161 (BKS/DEP)

PEOPLE OF THE STATE OF NEW YORK, *et. al.*,

Defendants.

APPEARANCES:

Alexander McFadden, *Plaintiff pro se*
11-A-4995
Attica Correctional Facility
Box 149
Attica, NY 14011

HON. BRENDA K. SANNEs, U. S. DISTRICT JUDGE

ORDER

On February 12, 2015, plaintiff Alexander McFadden filed a pro se complaint under 42 U.S.C. § 1983. (Dkt. No. 1). His complaint and motion for leave to proceed *in forma pauperis* were referred to United States Magistrate Judge David E. Peebles. (Dkt. No. 2). On April 29, 2015, Magistrate Peebles issued a Report and Recommendation, recommending that plaintiff's motion for leave to proceed *in forma pauperis* be denied, and that the complaint be dismissed if plaintiff fails to pay the filing fee within thirty days. (Dkt. No. 4). Magistrate Peebles advised plaintiff that he had fourteen days to file objections to the report and that the failure to object would preclude appellate review. (*Id.*) The Report and Recommendation was served on plaintiff by regular mail on April 30, 2015, and no objections to the Report and Recommendation have

been filed. (*Id.*).

Since no objections to the Report and Recommendation have been filed, and the time for filing objections has expired, the Court has reviewed the Report and Recommendation for clear error. *Petersen v. Astrue*, 2 F. Supp. 3d 223, 228-29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to the 1983 addition. Under this standard, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.* Having reviewed the Report and Recommendation and having found no clear error, it is hereby:

ORDERED that the Report and Recommendation (Dkt. No. 4) is **ADOPTED** in its entirety for the reasons stated therein; and it is further

ORDERED that plaintiff's motion for leave to proceed *in forma pauperis* (Dkt. No. 2) is **DENIED**; and it is further

ORDERED that the Clerk of the Court shall dismiss plaintiff's complaint (Dkt No. 1) without further order of the court if the full filing fee is not received within thirty days from today's date; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order upon plaintiff in accordance with the local rules.

IT IS SO ORDERED.

Dated: May 27, 2015
Syracuse, New York



Brenda K. Sannes
U.S. District Judge