

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

ZARAK O. ALI,

Plaintiff,

v.

1:16-cv-241
(TJM/CFH)

THE CITY OF ALBANY, et al.,

Defendants.

Thomas J. McAvoy, SR. U.S.D.J.

DECISION and ORDER

The Court referred this action alleging civil rights violations by State Troopers and other officials, brought pursuant to 42 U.S.C. § 1983, to the Hon. Christian F. Hummel, United States Magistrate Judge, for two Reports and Recommendations pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. The Report-Recommendations, dated September 18, and October 16, 2017, recommend that the Court grant Defendants' motion to dismiss for failure to prosecute and recommend that the Court deny the City of Albany's motion for sanctions of attorneys fees and costs.

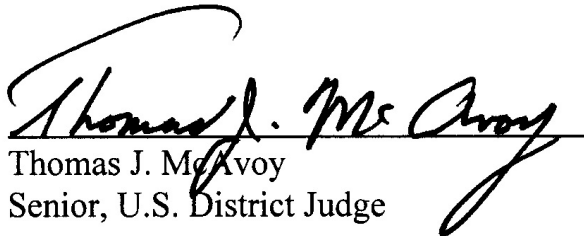
Plaintiff did not file objections to the Report-Recommendation and the time for filing such objections has passed. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice and the Court will adopt the Report-Recommendation.

Accordingly:

The Report-Recommendations, dkt. #s 35, 37, are hereby ADOPTED. The motion to dismiss of Defendants Brian D. Gregoire, David S. Notarino, and the New York State Police, dkt. # 30, is hereby GRANTED, with prejudice. The City of Albany's motion to dismiss, dkt. # 31, is GRANTED in part and DENIED in part. The motion is GRANTED insofar as the case is dismissed in its entirety with prejudice. The motion is DENIED insofar as Defendant requests sanctions of attorneys fees and costs. The Complaint is dismissed in its entirety. The Clerk of Court is directed to CLOSE the case.

IT IS SO ORDERED.

Dated: December 12, 2017


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