

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

DONALD J. COON,

Plaintiff,

- v -

**Civ. No. 1:16-CV-291
(TJM/DJS)**

GEORGE BELL, et al.,

Defendants.

**THOMAS J. McAVOY
Senior United States District Judge**

DECISION and ORDER

I. INTRODUCTION

This *pro se* action was referred to the Hon. Daniel J. Stewart, United States Magistrate Judge, for initial review. In his April 26, 2016 Report-Recommendation and Order, Magistrate Judge Stewart recommends that the Complaint (dkt. # 1) be dismissed pursuant to 28 U.S.C. § 1915(e) for failure to state a claim upon which relief may be granted, and that, in light of Plaintiff's *pro se* status, he be afforded an opportunity to amend his Complaint. Plaintiff has not filed objections to the Report-Recommendation and Order (dkt. # 8), although he has made a request to file an Amended Complaint (dkt. # 10).

II. DISCUSSION

After examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice.

III. CONCLUSION

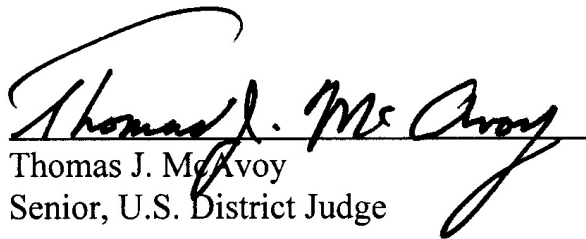
Accordingly, the Court **ADOPTS** the Report-Recommendation and Order (dkt. # 8) for the reasons stated therein. Thus, it is hereby

ORDERED that the Complaint (dkt. # 1) is dismissed pursuant to 28 U.S.C. § 1915(e) for failure to state a claim upon which relief may be granted; and it is further hereby,

ORDERED that Plaintiff's Amended Complaint (dkt. # 10) is **accepted for filing**, and is referred to Magistrate Judge Stewart for a 28 U.S.C. § 1915(e) review.

IT IS SO ORDERED.

Dated: May 23, 2016


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