

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

KENNETH WASHINGTON,

Plaintiff,

v.

1:17-CV-0683 (BKS/DJS)

PAUL CZAJKA, et al.,

Defendants.

APPEARANCES:

Kenneth Washington
Canaan, NY 12029
Plaintiff, pro se

Hon. Brenda K. Sannes, United States District Court Judge

DECISION AND ORDER

Plaintiff Kenneth Washington, a former New York State inmate, commenced this proceeding under 42 U.S.C. § 1983, and sought leave to proceed in forma pauperis. (Dkt. No. 1). This matter was referred to United States Magistrate Judge Daniel J. Stewart who, on August 9, 2017, granted Plaintiff's application to proceed in forma pauperis, and issued a Report-Recommendation and Order, recommending that Plaintiff's complaint be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted. (Dkt. No. 12). Magistrate Judge Stewart advised Plaintiff that, under 28 U.S.C. § 636(b)(1), he had fourteen days within which to file written objections to the report and that the failure to object to the report within fourteen days would preclude appellate review. (*Id.* at 6). Plaintiff requested, and was granted, an extension of time until September 20, 2017 to file

objections. (Dkt. Nos. 14, 15). A copy of the text Order granting that extension was sent to Plaintiff's last known address, but returned to the Court as "unclaimed." (Dkt. No. 16). On November 15, 2017, the Court issued an Order giving Plaintiff fourteen days to file his current address and objections, if any, to the Report-Recommendation. (Dkt. No. 17). The Order was sent to Plaintiff's last known address via regular and certified mail, and both were returned as undeliverable. (Dkt. Nos. 17-19). No objections to the Report-Recommendation have been filed.

As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See 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 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts it in its entirety.

For these reasons, it is


ORDERED that the Report-Recommendation (Dkt. No. 12) is **ADOPTED** in its entirety; and it is further

ORDERED that the Complaint is dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted; and it is further

ORDERED that the Clerk of the Court serve a copy of this Decision and Order on the Plaintiff via certified mail.

IT IS SO ORDERED.

Dated: November 28, 2017
Syracuse, New York


Brenda K. Sannes
U.S. District Judge