

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KYRA MOSS,

Plaintiff,

-v-

1:17-CV-706
(DNH/CFH)

SOCIAL SECURITY ADMINISTRATION,

Defendant.

APPEARANCES:

KYRA MOSS
Plaintiff pro se
18 Providence Place
Apartment 7
Albany, NY 12202

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Kyra Moss brought this employment discrimination alleging age discrimination. On August 31, 2017, the Honorable Christian F. Hummel, United States Magistrate Judge, advised by Report-Recommendation that plaintiff's complaint be dismissed for failure to state a claim and comply with pleading standards, but that such dismissal be without prejudice to plaintiff filing an amended complaint. Plaintiff submitted timely objections to the Report-Recommendation.

Based upon a de novo review of the portions of the Report-Recommendation to which plaintiff objected, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

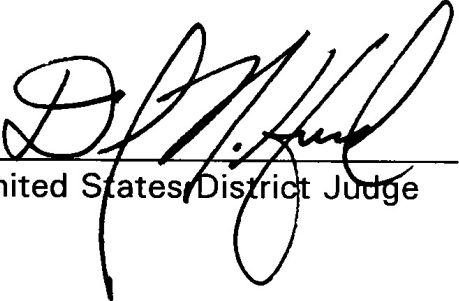
ORDERED that

1. This action shall be DISMISSED pursuant to 28 U.S.C. § 1915(e) unless, within thirty (30) days of the date of this Decision and Order plaintiff files an amended complaint that corrects the pleading defects identified in the Report-Recommendation;

2. If plaintiff files an amended complaint within the referenced thirty (30) day period, then the amended complaint shall be referred to Magistrate Judge Hummel for his review; and

3. If, however, plaintiff fails to file an amended complaint within the referenced thirty (30) day period, then this action shall be dismissed without further order.

IT IS SO ORDERED.


United States District Judge

Dated: September 26, 2017
Utica, New York.