

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

JAY S. KRAVITZ,

Plaintiff,

v.

1:17-cv-1175
(TJM/CFH)

CITY OF HUDSON, et al.,

Defendants.

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

DECISION and ORDER

The Court referred this action, which is brought pursuant to 42 U.S.C. § 1983 and alleges Defendants violated Plaintiff's civil rights in the way they searched his property, to the Hon. Christian F. Hummel, United States Magistrate Judge, for a Report and Recommendation 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-Recommendation, dated November 16, 2017, recommended that the Court dismiss some claims against some Defendants with prejudice and dismiss the rest of the Complaint without prejudice to filing an amended complaint that demonstrated that Plaintiff's claims were not barred by Heck v. Humphrey, 512 U.S. 477 (1994).

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

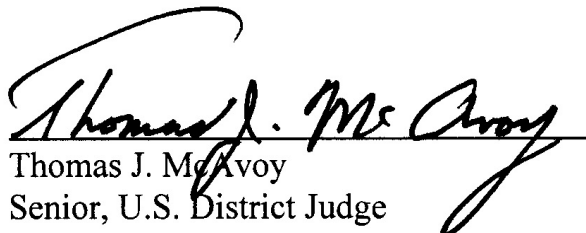
and the Court will adopt the Report-Recommendation.

Accordingly:

The Report-Recommendation, dkt. # 4, is hereby ADOPTED. All claims in the Complaint, dkt. # 1, brought against Defendants Craig Haigh and Sergeant Miller in their official capacities, are hereby DISMISSED WITH PREJUDICE. The remainder of the Complaint is hereby DISMISSED WITHOUT PREJUDICE and with an opportunity to amend so that Plaintiff may provide the Court with additional information to permit the Court to assess whether Plaintiff's claims are barred by Heck v Humphrey.

IT IS SO ORDERED.

Dated: December 12, 2017


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