

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

JOHN H. NEWMAN,

Plaintiff,

v.

3:17-cv-1123
(TJM/DEP)

RICK HOYT and ANTHONY ROBLYER,

Defendants.

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

DECISION and ORDER

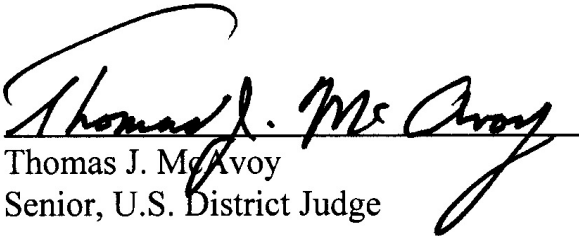
The Court referred this action alleging that Defendants violated Plaintiff's rights when they searched him and subjected him to court proceedings in connection with an alleged probation violation, brought pursuant to 42 U.S.C. § 1983, to the Hon. David E. Peebles, United States Magistrate Judge, for 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 recommends that the Court dismiss Plaintiff's claims against the Defendants in their official capacities with prejudice and consolidate the case with another pending before this Court.

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 accept and adopt the Report-Recommendation.

It is therefore hereby ORDERED that the Report-Recommendation of Magistrate Judge Peebles, dkt. # 13, is hereby Adopted. The Plaintiff's damage claims against the Defendants in their official capacities are hereby DISMISSED WITH PREJUDICE. The Clerk of Court is hereby directed to consolidate this action with Newman v. Hoyt, No. 17-cv-0808 (N.D.N.Y., filed July 21, 2017) and Defendants Roblyer and Hoyt shall answer or otherwise respond to the claims remaining in this action within twenty-one days of the date of this Order.

IT IS SO ORDERED.

Dated: April 18, 2018


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