

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

MARK W. GANTT,

Plaintiff,

v.

5:10-CV-1526

**DESMOND J. RACICOT, Chief of Police,
R.M. JOHNSON, Records Access Officer, and
M.A. BEAR, Captain - City Police,**

Defendants.

APPEARANCES:

OF COUNSEL:

**Mark W. Gantt
08-A-3883
Five Points Correctional Facility
Caller Box 119
Romulus, NY 14541
Plaintiff, *pro se***

NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge George H. Lowe, duly filed on the 7th day of January 2011. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:


1. The Report-Recommendation is hereby adopted in part.

2. The complaint is dismissed without prejudice and the *in forma pauperis* application is denied as moot.

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case. Plaintiff shall be served by certified mail, return receipt requested.

IT IS SO ORDERED.

Dated: February 7, 2011
Syracuse, New York



Norman A. Mordue
Chief United States District Court Judge

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