

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

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EUGENE J. FISCH,

Plaintiff,

-vs-

11-CV-1297

CONSULATE GENERAL OF THE  
REPUBLIC OF POLAND, et al.,

Defendants.

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**Thomas J. McAvoy,  
United States District Judge**

**DECISION and ORDER**

This matter was referred to the Hon. Andrew T. Baxter, United States Magistrate Judge, for a Report and Recommendation (“Report-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. Plaintiff has raised objections to the November 9, 2011 Report-Recommendation.

When objections to a magistrate judge’s Report-Recommendation are lodged, the Court reviews the record *de novo*. See 28 U.S.C. § 636(b)(1). After such a review, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The Court may also receive further evidence or recommit the matter to the magistrate judge with instructions.” Id. Thus, the Court reviews the instant matter *de novo*.

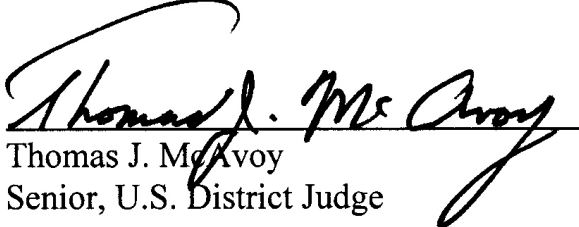
After reviewing the matter *de novo*, the Court agrees with the Report-Recommendation in its entirety. The Complaint should be dismissed, with prejudice, pursuant to 28 U.S.C. §

1915(e)(2)(B)(i)-(iii), because it is frivolous and malicious; it fails to state a plausible claim on which relief can be granted; and it seeks relief against Defendants who are immune from such relief. Consequently, the Court adopts the Report-Recommendation in its entirety. The motion for a three judge court (Dkt. No. 14) is DENIED as moot.

The Complaint is **DISMISSED WITH PREJUDICE**. The Clerk of the Court is directed to close the file in this matter.

**IT IS SO ORDERED.**

Dated: January 26, 2012

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