

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ALISHA DEXTER and LEMORRIS
DEXTER,

Plaintiffs,

v.

5:14-CV-0363

THE CITY OF SYRACUSE, *et al.*,

Defendants.

THOMAS J. McAVOY
Senior United States District Judge

DECISION and ORDER

This *pro se* 42 U.S.C. § 1983 action was referred to the Hon. David E. Peebles, Jr. United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b).

No objections to the May 6, 2014 Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein.

It is, therefore, ORDERED that:

(1) the claims asserted under 42 U.S.C. § 1983 against defendant City of Syracuse, as well as defendants Stephanie Miner and Frank Fowler in their individual capacities, be DISMISSED without prejudice;

(2) the claims asserted under 42 U.S.C. § 1983 against defendant Syracuse Police Department, as well as defendants Stephanie Miner, Frank Fowler, A. Mahar, and M. Vella in their official capacities, be DISMISSED with prejudice;

(3) the negligence claim, to the extent it is asserted under 42 U.S.C. § 1983, be DISMISSED with prejudice;

(4) plaintiffs may file an amended complaint that complies with the requirements of stated in Magistrate Judge Peeples order within 21 days.

(5) if plaintiffs fail to file an amended complaint in compliance with the requirements of this Order, their original complaint will remain the operative pleading and this matter shall proceed only as against defendants Mahar, Vella, and Doe in their individual capacities.

IT IS SO ORDERED.

Dated: June 11, 2014

