

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

JASON IRVINE,

Plaintiff,

v.

5:14-CV-1565

CITY OF SYRACUSE, *et al.*,

Defendants.

**THOMAS J. McAVOY
Senior United States District Judge**

DECISION and ORDER

I. INTRODUCTION

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. David E. Peebles, United States Magistrate Judge, for initial review. In his April 22, 2015 Report and Recommendation, Magistrate Judge Peebles recommends that, with the exception of plaintiff's excessive force and deliberate medical indifference claims asserted against defendants Liadka and Cazzolli, the remaining claims be dismissed with leave to replead. No objections to the Report and Recommendation [dkt. # 9] have been filed, and the time to do so has expired.

II. DISCUSSION

After examining the record, this Court has determined that the Report and Recommendation is not subject to attack for plain error or manifest injustice.

III. CONCLUSION

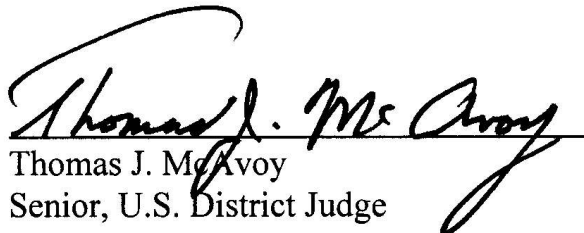
Accordingly, the Court **ADOPTS** the Report and Recommendation [dkt. # 9] for the reasons stated therein. It is hereby

ORDERED that with the exception of plaintiff's excessive force and deliberate medical indifference claims asserted against defendants Liadka and Cazzolli, the remaining claims in this action (including all of those asserted against defendants Fougner, Locastro, Walsh, and the City of Syracuse) are **DISMISSED with leave to replead**.

If plaintiff intends to the replead the dismissed claims: (1) he must do so within 30 (thirty) days from the date of this Decision and Order; and, (2) he should heed the law referenced by Magistrate Judge Peebles, especially at pages 20-22 of the Report Recommendation.

IT IS SO ORDERED.

Dated: May 19, 2015


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