

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHARLES J. ANTHONY, SR.,

Plaintiff,

v.

5:15-CV-451
(DNH/TWD)

HEATHER BROCKWAY, Process Server, Deputy
also known as Heather Close,

Defendant.

APPEARANCES:

CHARLES J. ANTHONY, SR.
Plaintiff, pro se
8819 Gaskin Road
Clay, NY 13041

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Charles J. Anthony, Sr. filed this action on April 15, 2015, and subsequently filed a superseding amended/supplemental complaint. On April 28, 2015, the Honorable Thérèse Wiley Dancks, United States Magistrate Judge, advised by Report-Recommendation that plaintiff's stigma plus claim pursuant to 42 U.S.C. § 1983 be dismissed with leave to amend. Further, Magistrate Judge Dancks recommended that supplemental jurisdiction be declined over plaintiff's state law defamation claim, without prejudice and subject to refiling in state court and to reconsideration by this court in the event plaintiff submits a second amended complaint that states a claim under § 1983. No

objections to the Report-Recommendation were filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Plaintiff's claim pursuant to 42 U.S.C. § 1983 is DISMISSED with leave to amend;

2. Supplemental jurisdiction is DECLINED over plaintiff's state law defamation claim, without prejudice and subject to reconsideration by the undersigned in the event plaintiff submits a second amended complaint that states a claim under § 1983;

3. If plaintiff wishes to file a second amended complaint curing the deficiencies identified in the Report-Recommendation, he must do so within thirty days of the date of this Decision and Order. Plaintiff is reminded that any second amended complaint will replace his prior complaint in its entirety;

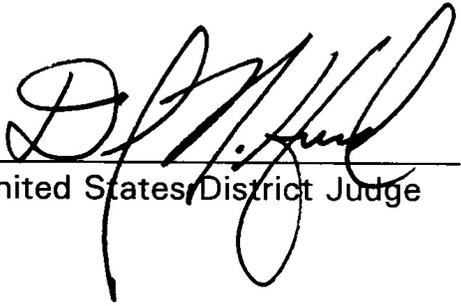
4. In the event plaintiff fails to file a second amended complaint within the time allotted, this case will be closed and judgment entered accordingly without further order;

and

5. The Clerk serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: May 27, 2015
Utica, New York.



United States District Judge