

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHARLES J. ANTHONY, SR.,

Plaintiff,

-v-

No. 5:15-CV-0452
(DNH/TWD)

FEIN, SUCH AND CRANE, LLC,

Defendants.

APPEARANCES:

OF COUNSEL:

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. brought this action pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* On September 22, 2015, the Honorable Thérèse Wiley Dancks, United States Magistrate Judge, advised by Report-Recommendation that plaintiff's second amended complaint be dismissed sua sponte pursuant to 28 U.S.C. §§ 1915A and 1915(e). Although plaintiff was permitted an extension in order to file his objections, no objections have been filed. Instead, plaintiff has filed a third amended complaint. See Amended Complaint, ECF No. 25.

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 second amended complaint (ECF No. 18) is **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i-iii);

2. Plaintiff's proposed amended complaint (ECF No. 25) shall be reviewed by the Honorable Thérèse Wiley Dancks to determine its compliance with the Report-Recommendation and 28 U.S.C. §§ 1915A and 1915(e); and

3. The Clerk is directed to serve a copy of this Decision and Order upon the parties in accordance with the Local Rules.

IT IS SO ORDERED.



United States District Judge

Dated: December 1, 2015
Utica, New York