

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

SHAUN GARVEY,

Plaintiff,

5:17-CV-1258 (BKS/ATB)

v.

MORGAN COMMUNITIES,

Defendant.

Appearances:

Shaun Garvey
Liverpool, NY 13090
Plaintiff, pro se

Hon. Brenda K. Sannes, United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff Shaun Garvey commenced this action pro se on November 15, 2017, utilizing a form civil rights complaint under 42 U.S.C. § 1983. Dkt. No. 1. Plaintiff also sought leave to proceed in forma pauperis. Dkt. Nos. 2-3. This matter was assigned to United States Magistrate Judge Andrew T. Baxter who, on November 22, 2017, issued a Report-Recommendation and Order granting the in forma pauperis applications for purposes of filing only and recommending that Plaintiff's complaint be dismissed in its entirety without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii), without leave to amend. Dkt. No. 7. Magistrate Judge Baxter advised Plaintiff that, under 28 U.S.C. § 636(b)(1), he had fourteen days within which to file written objections to the report, and that the failure to object to the report within fourteen days would preclude appellate review. Dkt. No. 7, at 12. No objections to the Report-Recommendation have been filed.

As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228-29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts it in its entirety.

For these reasons, it is

ORDERED that the Report-Recommendation (Dkt. No. 7) is **ADOPTED** in its entirety; and it is further


ORDERED that Plaintiff's complaint is **DISMISSED in its entirety** without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), without leave to amend; and it is further

ORDERED that the Clerk serve a copy of this Order upon the parties in accordance with the Local Rules; and it is further

ORDERED that the Clerk is directed to close this case.

IT IS SO ORDERED.

Dated: December 18, 2017
Syracuse, New York


Brenda K. Sannes
U.S. District Judge