

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

CEDRIC PARTEE a/k/a WEBB,

Plaintiff,

v.

THE CITY OF SYRACUSE, et al.,

Defendants

**Civil Action No.
5:19-CV-0417 (TJM/DEP)**

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

DECISION & ORDER

I. INTRODUCTION

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. David E. Peebles, Chief United States Magistrate Judge. In his May 23, 2019 Order, Report, and Recommendation [Dkt. No. 6], Magistrate Judge Peebles recommends that plaintiff's complaint [Dkt. No. 1] be accepted for filing only with respect to plaintiff's Fourth Amendment claim against defendant Cowan, but that plaintiff's remaining claims, asserted against all other defendants named in this action, be dismissed with leave to replead within thirty days of any decision adopting the report. Plaintiff did not file objections to the Order, Report, and Recommendation, and the time to do so has expired.

II. DISCUSSION

After examining the record, this Court has determined that the Order, Report, and

Recommendation is not subject to attack for plain error or manifest injustice.

III. CONCLUSION

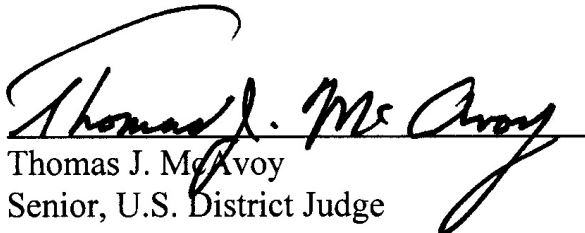
Accordingly, the Court **ACCEPTS and ADOPTS** the Order, Report, and Recommendation [Dkt. No. 6] for the reasons stated therein. Thus, it is hereby

ORDERED that plaintiff's complaint [Dkt. No. 1] is **accepted for filing only with respect to plaintiff's Fourth Amendment claim against defendant Cowan**. Plaintiff's remaining claims, asserted against all other defendants named in this action, are **DISMISSED with leave to replead by filing an amended complaint within thirty (30) days of this Decision and Order.**

Plaintiff is advised that an amended complaint supersedes in all respects the prior pleading. Therefore, if plaintiff files an amended complaint, he must properly allege in the amended complaint all factual bases for all claims asserted therein, and the amended complaint must be in compliance with Rules 8 and 10 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Dated: June 26, 2019


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