

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RAYSHELL S. JOHNSON,

Plaintiff,

5:20-cv-01053
(DNH/ATB)

-v-

TUCKER MISSIONARY BAPTIST CHURCH,
Pastor, All Others; and SHERIFF'S DEPT.,
Sheriff's, All Others,

Defendants.

APPEARANCES:

RAYSHELL S. JOHNSON
Plaintiff pro se
605 Carbon Street
Syracuse, NY 13208

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Rayshell S. Johnson commenced this action on September 8, 2020. On September 15, 2020, the Honorable Andrew T. Baxter, United States Magistrate Judge, advised by Report-Recommendation that the complaint be dismissed in its entirety without prejudice but that plaintiff be permitted leave to amend as to some but not all claims. No objections to the Report-Recommendation have been 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 complaint is DISMISSED IN ITS ENTIRETY without prejudice, and without leave to amend as against the Tucker Missionary Baptist Church, its pastor, and its employees;

2. Plaintiff's complaint is DISMISSED IN ITS ENTIRETY without prejudice, but with leave to amend as against the Syracuse Police Department and/or the Sheriff's Department as outlined by Magistrate Judge Baxter in the Report-Recommendation;

3. Plaintiff is provided an opportunity to amend her complaint within thirty (30) days of the date of this Decision and Order to correct the deficiencies identified in the Report-Recommendation;

4. Plaintiff is advised that if she files an amended complaint against a municipality or individual officers of that municipality's police force, any amended complaint must be a complete pleading which will supercede the original. Plaintiff is advised she may not incorporate any of the facts in the original by reference into the amended complaint, and she may not repeat the same claims that she has made in her other federal lawsuits against the same defendants;

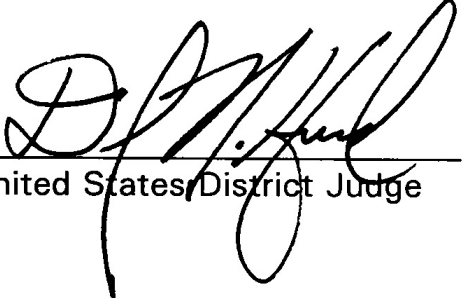
5. If plaintiff timely files an amended complaint within thirty (30) days of the date of this Decision and Order, the file be forwarded to Magistrate Judge Baxter for further review;

and

6. If plaintiff fails to file an amended complaint within thirty (30) days of the date of

this Decision and Order, the complaint be dismissed in its entirety and without further order.

IT IS SO ORDERED.



United States District Judge

Dated: October 14, 2020
Utica, New York.