Doc. 14

UNITED STATES DISTR	RICT	COU	JRT
NORTHERN DISTRICT	OF I	NEW	<b>YORK</b>

ROBERT W. JOHNSON,

Plaintiff,

5:22-cv-426 (BKS/ATB)

v.

STEWART D. AARON, et al.,

Defendants.

## **Appearances:**

Plaintiff pro se Robert W. Johnson Watertown, NY 13601

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

## **DECISION AND ORDER**

On May 3, 2022, Plaintiff pro se Robert W. Johnson filed a form Bivens Action complaint with a motion for leave to proceed *in forma pauperis* ("IFP"). (Dkt. Nos. 1, 2). This matter was referred to United States Magistrate Judge Andrew T. Baxter who, on June 21, 2022, granted Plaintiff's application to proceed IFP, and issued a Report-Recommendation, recommending that Plaintiff's complaint be dismissed with prejudice because the complaint was, inter alia, frivolous and in light of Plaintiff's "history of abusive, frivolous filings." (Dkt. No. 10, at 6–7). Plaintiff was informed that he had fourteen days within which to file written objections to the report under 28 U.S.C. § 636(b)(1), and that the failure to object to the report within fourteen days would preclude appellate review. (*Id.* at 6). The Report-Recommendation was mailed to Plaintiff's last known address but returned to the Court marked "Return to Sender, Moved Left No Address, Unable To Forward." (Dkt. No. 11). On August 1, 2022 this court

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issued a Decision and Order granting plaintiff an additional fourteen (14) days to file his current

address and objections, if any, to the Report-Recommendation. (Dkt. No. 12.) The Decision and

Order was mailed to Plaintiff's last known address, but returned to the Court marked "Moved

Left No Address, Unable to Forward, Return to Sender." (Dkt. No. 13).

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. 10) is **ADOPTED** in its

entirety; and it is further

**ORDERED** that the Complaint is **DISMISSED WITH PREJUDICE**; and it is further

**ORDERED** that the Clerk of the Court serve a copy of this Decision and Order on

Plaintiff in accord with the Local Rules.

IT IS SO ORDERED.

Dated: August 29, 2022

Syracuse, New York

Brenda K. Sannes

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U.S. District Judge

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