

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PRINELL PAUL,

Plaintiff,

5:23-CV-1385
(GTS/TWD)

v.

ONONDAGA COUNTY DISTRICT ATTORNEY'S
OFFICE; WILLIAM FITZPATRICK, District Atty.;
and SHEA MALOY, Assis. District Atty.,

Defendants.

APPEARANCES:

PRINELL PAUL, 05002328
Plaintiff, *Pro Se*
Onondaga County Correctional Facility
6660 East Seneca Turnpike
Jamesville, New York 13078

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by Prinell Paul (“Plaintiff”) against the Onondaga County District Attorney’s Office, District Attorney William Fitzpatrick, and Assistant District Attorney Shea Maloy (“Defendants”), is United States Magistrate Judge Thérèse Wiley Dancks’ Report-Recommendation recommending that Plaintiff’s claims in his Complaint against the three above-captioned Defendants be dismissed with prejudice and without leave to amend pursuant to 28 U.S.C. § 1915(e)(2)(B) and 1915(A) but that Plaintiff be granted an opportunity to amend his Complaint to assert claims against individuals other than the three above-captioned Defendants (e.g., one or more John/Jane Doe

Defendants). (Dkt. No. 7.) Plaintiff has not filed an Objection to the Report-Recommendation, and the time in which to do so has expired. (*See generally*, Docket Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Judge Dancks' thorough Report-Recommendation, the Court can find no clear error in the Report-Recommendation:¹ Magistrate Judge Dancks employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons stated therein.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Dancks' Report-Recommendation (Dkt. No. 8) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) shall be **DISMISSED** with **prejudice** and without further Order of this Court **UNLESS, within THIRTY (30) DAYS** of entry of this Decision and Order, Plaintiff files an **AMENDED COMPLAINT** that cures the pleading defects identified in the Report-Recommendation; and it is further

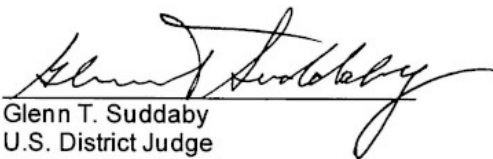
ORDERED that, should Plaintiff wish to file an Amended Complaint in this matter, the Amended Complaint (1) must be a complete pleading that does not reference his original Complaint but will supercede and replace that original Complaint in all respects, and (2) may not

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).

assert any claims against Defendants Onondaga County District Attorney's Office, District Attorney William Fitzpatrick, and Assistant District Attorney Shea Maloy, who the Clerk of Court is directed to **TERMINATE** as Defendants in this action; and it is further

ORDERED that, should Plaintiff file a timely Amended Complaint, the Amended Complaint be returned to Magistrate Judge Dancks for further review pursuant to 28 U.S.C. § 1915.

Dated: June 4, 2024
Syracuse, New York


Glenn T. Suddaby
U.S. District Judge