

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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RICHARD HALLOCK,

Plaintiff,

- vs -

6:09-CV-1141

UNITED STATES OF AMERICA,

Defendant.

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APPEARANCES:

OF COUNSEL:

RICHARD HALLOCK  
Plaintiff, Pro Se  
3965 1<sup>st</sup> Avenue NW  
Naples, FL 34119

HON. RICHARD S. HARTUNIAN  
United States Attorney  
for the Northern District of New York  
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100 South Clinton Street  
Syracuse, New York 13261-5165

CHARLES E. ROBERTS, ESQ.  
Assistant U.S. Attorney

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Richard Hallock, the named plaintiff, brought this action in October 2009, for the return of certain property. By Report-Recommendation dated July 28, 2010, the Honorable David E. Peebles, United States Magistrate Judge, recommended that plaintiff's claims for recovery of damages for violation of his constitutional rights be dismissed; and further recommended that an evidentiary hearing be scheduled to address the factual issues of whether plaintiff has standing to bring this proceeding, whether the statute of limitations

should be equitably tolled, and whether the defendant remains in possession of the property at issue. The parties have filed objections to the Report-Recommendation.

Based upon a de novo review of the entire file, including the portions of the Report-Recommendation to which the parties have objected, and the recommendations of Magistrate Judge Peebles, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, it is

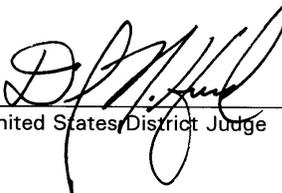
ORDERED that

1. Plaintiff's claims for recovery of damages for violation of his constitutional rights are DISMISSED;

2. This matter is remanded to the Magistrate Judge for an evidentiary hearing to address the factual issues of whether plaintiff has standing to bring this proceeding, whether the statute of limitations should be equitably tolled, and whether the defendant remains in possession of the property at issue.

IT IS SO ORDERED.

Dated: October 13, 2010  
Utica, New York.

  
United States District Judge