

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

~~~~~  
DAWN KAMINSKI and MARCUS KAMINSKI,

Plaintiffs,

vs

5:10-CV-1399

STATE OF NEW YORK; ONEIDA COUNTY  
JUDGE COOK; JOHN HERBOWY; WILLIAM  
KOSLOSKY, ESQ.; LAURIE SZMURLO; PATRICIA  
SERVICE; MELANIE KING; GINA COURY;  
GINA BEACH; JEFF STERLING; CHRIS  
CORTESE; ELAINE ADSIT; CHIARA  
KINGWATER; ANN MARIE KNIGHT LEER;  
and ONEIDA COUNTY COMMISSIONER OFFICE,

Defendants.  
~~~~~

APPEARANCES:

DAWN KAMINSKI  
MARCUS KAMINSKI  
Plaintiffs, Pro Se  
120 Leah Street  
Utica, New York 11501

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiffs, Dawn Kaminski and Marcus Kaminski, commenced this civil rights action in November 2010, pursuant to 42 U.S.C. § 1983. By Report-Recommendation and Order dated December 6, 2010, the Honorable George H. Lowe, United States Magistrate Judge, recommended that the complaint (Dkt. No. 1) be dismissed without prejudice. The Magistrate Judge also denied the plaintiff's applications to proceed *in forma pauperis*. The plaintiffs have filed objections to the Report-Recommendation, as well as what purports to be a "new"

complaint (Dkt. No. 12) and a motion for leave to proceed *in forma pauperis* by Marcus Kaminski.

Based upon a careful review of the file, and the recommendations of Magistrate Judge Lowe, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

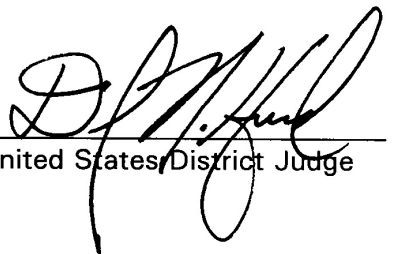
Accordingly, it is

ORDERED that

1. The complaint (Dkt. No. 1) is DISMISSED without prejudice;
2. The Clerk is directed to return the file to the Magistrate Judge for review of the complaint filed at Dkt. No. 12, and to address the motion for leave to proceed *in forma pauperis* filed at Dkt. No. 13.
4. The Clerk is further directed to serve the plaintiffs with a copy of this order.

IT IS SO ORDERED.

Dated: January 20, 2011  
Utica, New York.

  
United States District Judge