

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JAMES D. GOOLD, III,

Plaintiff,

v.

6:16-CV-0413  
(GTS/ATB)

JAIME SMITH,

Defendant.

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APPEARANCES:

JAMES D. GOOLD, III  
1142 Brinkreoff Avenue  
Utica, New York 13501

GLENN T. SUDDABY, Chief United States District Judge

**DECISION and ORDER**

Currently before the Court, in this *pro se* civil rights action filed by James D. Goold, III (“Plaintiff”) against Jaime Smith (“Defendant”), are (1) United States Magistrate Andrew T. Baxter’s Report-Recommendation recommending that this action be *sua sponte* dismissed with prejudice for failure to state a claim upon which relief can be granted, and (2) Plaintiff’s Objection to the Report-Recommendation. (Dkt. Nos. 4, 5.) After carefully reviewing the relevant filings in this action, the Court can find no error in the Report-Recommendation, clear or otherwise: Magistrate Judge Baxter employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Court accepts and adopts the Report-Recommendation for the reasons stated therein. (Dkt. No. 4.) To those reasons, the Court adds only that, even if it were inclined to consider the allegations contained in, and the documents attached, to Plaintiff’s objections (which it is not inclined to do, because they were

never presented to Magistrate Judge Baxter), the Court would find that, at most, Plaintiff has a state law claim against Defendant (e.g., for breach of fiduciary duty or perhaps breach of contract), which would be appropriately pursued in state court.

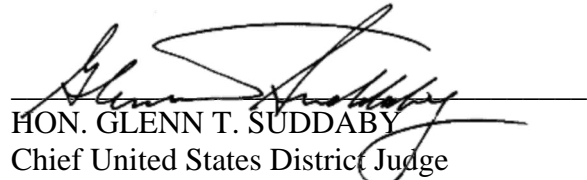
**ACCORDINGLY**, it is

**ORDERED** that Magistrate Judge Baxter's Report-Recommendation (Dkt. No. 4) is

**ACCEPTED** and **ADOPTED** in its entirety; and it is further

**ORDERED** that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED**.

Dated: June 24, 2016  
Syracuse, New York

  
HON. GLENN T. SUDDABY  
Chief United States District Judge