

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ANNETTE M. DOW and WILLIAM G.  
SCHISLER, SR.,

Plaintiffs,

-v-

6:16-CV-514

M & T BANK, Mortgage Company; BAYVIEW  
LOAN SERVICING, LLC, Loan Company; and  
EMERY LAW, Modification Lawyer,

Defendants.  
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APPEARANCES:

ANNETTE M. DOW  
WILLIAM G. SCHISLER, SR.  
Plaintiffs pro se  
908 Stark St.  
Utica, NY 13502

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Pro se plaintiffs Annette M. Dow and William G. Schisler, Sr. brought a form civil rights complaint alleging what appears to be a breach of contract claim. On May 24, 2016, the Honorable Therese Wiley Dancks, United States Magistrate Judge, advised by Report-Recommendation that plaintiffs' complaint be dismissed in its entirety with leave to amend, for lack of subject matter jurisdiction and for failure to state a claim pursuant to 28 U.S.C. § 1915(e). Plaintiffs submitted timely objections to the Report-Recommendation.

Based upon a de novo review of the portions of the Report-Recommendation to which plaintiffs objected, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

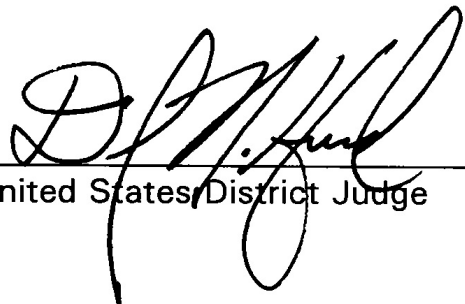
ORDERED that

1. This action shall be DISMISSED pursuant to 28 U.S.C. § 1915(e) unless, within thirty (30) days of the date of this Decision and Order plaintiffs file an amended complaint that corrects the pleading defects identified in the Report-Recommendation;

2. If plaintiffs file an amended complaint within the referenced thirty (30) day period, then the amended complaint shall be referred to Magistrate Judge Baxter for his review; and

3. If, however, plaintiffs fails to file an amended complaint within the referenced thirty (30) day period, then this action shall be dismissed without further order.

IT IS SO ORDERED.



United States District Judge

Dated: January 30, 2018  
Utica, New York.