

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JUSTYN KROWICKI and ALLISON BAUM,

Plaintiffs,

-v-

6:16-cv-1186
(DNH/ATB)

TIMOTHY SAYEMOUR, Commissioner of
DSS/CPS; JACKIE ASNOE, HCDSS Attorney;
COLLETTE FREDRICKS, CPS Worker; and
KATHY LYNDECKER, Case Worker,

Defendants.

APPEARANCES:

JUSTYN KROWICKI
ALLISON BAUM
Plaintiffs pro se
111 Park Ave
Apt. 1
Herkimer, New York 13350

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiffs Justyn Krowicki and Allison Baum brought this civil rights action pursuant to 42 U.S.C. § 1983. On October 5, 2016, the Honorable Andrew T. Baxter, United States Magistrate Judge, advised by Report-Recommendation that plaintiffs' complaint be dismissed with prejudice as to any HIPPA claims and as to any Fourth Amendment claims brought by the named plaintiffs. Magistrate Judge Baxter further recommended that the

remainder of the complaint be dismissed without prejudice and that plaintiffs be afforded an opportunity to file a proposed amended complaint for review. Though premature and prior to the adoption or rejection of the Report-Recommendation by the undersigned, plaintiffs filed a proposed amended complaint.

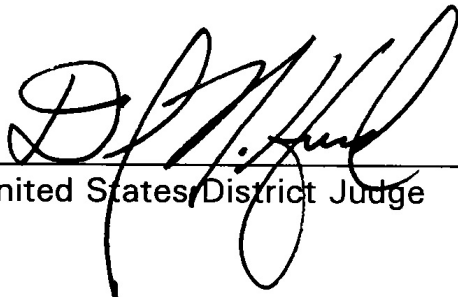
Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1). In accordance with the same, this matter is referred back to Magistrate Judge Baxter for review of plaintiffs' proposed amended complaint.

Therefore, it is

ORDERED that

1. Plaintiffs' HIPPA claims and Fourth Amendment claims are DISMISSED with prejudice;
2. The remainder of plaintiffs' complaint is DISMISSED without prejudice; and
3. The file is referred back to Magistrate Judge Baxter for review of plaintiffs' proposed amended complaint.

IT IS SO ORDERED.


United States District Judge

Dated: June 28, 2017
Utica, New York.