

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WILLIE THOMAS GOSIER,

Plaintiff,

-v-

6:23-CV-1485

DAVID J. COLLINS *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

WILLIE THOMAS GOSIER

Plaintiff, Pro Se

22-B-2574

Elmira Correctional Facility

P.O. Box 500

Elmira, NY 14902

DAVID N. HURD

United States District Judge

ORDER ON REPORT & RECOMMENDATION

On November 29, 2023, *pro se* plaintiff Willie Thomas Gosier (“plaintiff”), who was recently released to State parole, filed this 42 U.S.C. § 1983 action alleging that the defendants violated his civil rights during a traffic stop in Rome, New York. Dkt. No. 1. Along with his complaint, plaintiff moved for leave to proceed *in forma pauperis* (“IFP Application”). Dkt. Nos. 2, 3.

On March 8, 2024, U.S. Magistrate Judge Thérèse Wiley Dancks granted plaintiff's IFP Application and advised by Report & Recommendation ("R&R") that plaintiff's complaint be dismissed with leave to amend. Dkt. No. 4.

Plaintiff has not filed objections, and the time period in which to do so has expired. *See* Dkt. No. 4. Upon *de novo* review, the R&R is accepted and will be adopted. *See* 28 U.S.C. § 636(b)(1)(C).

Therefore, it is

ORDERED that

1. The Report & Recommendation is ACCEPTED;
2. Plaintiff's complaint is DISMISSED with leave to amend;
3. Plaintiff shall have thirty (30) days in which to file an amended complaint that conforms with the specific instructions set forth in the R&R;
4. If plaintiff timely files an amended pleading, the Clerk is directed to return the matter to Judge Dancks for further review as appropriate;
5. If plaintiff does not timely file an amended pleading, the Clerk is directed to close this matter without further Order of the Court.

IT IS SO ORDERED.

Dated: March 27, 2024
Utica, New York.


David N. Hurd
U.S. District Judge