UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

ALLEN MORRIS,

Plaintiff,

vs.

7:09-CV-1412

JEFFERSON COUNTY PUBLIC DEFENDER'S OFFICE,

Defendant.

Thomas J. McAvoy, Sr. U.S. District Judge

DECISION & ORDER

This *pro se* civil rights action pursuant to 42 U.S.C. § 1983 was referred to the Hon. George H. Lowe, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

The Report-Recommendation dated January 19, 2010 recommended that Plaintiff's Complaint be dismissed unless he files an amended Complaint within thirty days and that, upon the filing of an amended complaint, it be referred to the Magistrate Judge for further review. The Magistrate Judge denied the application to proceed in forma pauperis. Plaintiff filed objections to the Report-Recommendation.

When objections to a magistrate judge's Report-Recommendation are lodged, the Court makes a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." <u>See</u> 28 U.S.C. §

636(b)(1). After such a review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. The Judge may also receive further evidence or recommit the matter to the magistrate judge with instructions." Id.

Having reviewed the record de novo and having considered the issues raised in the Plaintiff's objections, this Court has determined to accept and adopt the recommendation for the reasons stated therein.

It appearing that Plaintiff has now filed an amended complaint, it is

ORDERED that the amended complaint be referred to the Magistrate Judge for further review.

IT IS SO ORDERED.

Dated:February 3, 2010

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Thomas J. M Senior, U.S. District Judge