

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RAYMOND L. JACKSON,

Plaintiff,

-v-

8:17-CV-560
(DNH/CFH)

ANDREW J. WYLIE, District Attorney,
Clinton County; TIMOTHY CONNOLLY,
Badge #5347, Investigator; MARK BOIRE;
and PHILLIP VONNORTWICK, Judge,

Defendants.

APPEARANCES:

OF COUNSEL:

RAYMOND L. JACKSON
Plaintiff pro se
15-A-3740
Clinton Correctional Facility
P.O. Box 2001
Dannemora, NY 12929

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Raymond L. Jackson brought this civil rights action pursuant to 42 U.S.C. § 1983. On September 5, 2017, the Honorable Christian F. Hummel, United States Magistrate Judge, advised by Report-Recommendation that plaintiff's complaint be dismissed but that plaintiff be permitted to file an amended complaint as to certain claims dismissed without prejudice. Magistrate Judge Hummel recommended that plaintiff's claims against defendants in their official capacities be dismissed with prejudice but that the remaining

claims be dismissed without prejudice. No objections to the Report-Recommendation were filed.

Based upon a careful review of the Report-Recommendation, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

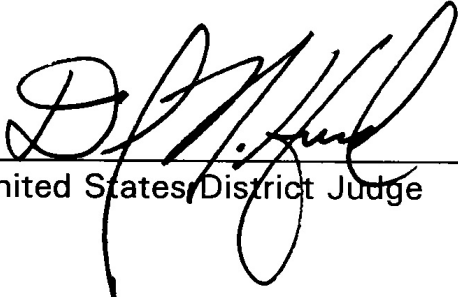
1. Plaintiff's claims against defendants in their official capacities are DISMISSED with prejudice and all remaining claims DISMISSED without prejudice;

2. This action shall be DISMISSED in its entirety pursuant to 28 U.S.C. § 1915(e) unless, within thirty (30) days of the date of this Decision and Order plaintiff files an amended complaint, as to those claims dismissed without prejudice, that corrects the pleading defects identified in the Report-Recommendation;

3. If plaintiff files an amended complaint within the referenced thirty (30) day period, then the amended complaint shall be referred to Magistrate Judge Hummel for his review; and

4. If, however, plaintiff 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: September 27, 2017
Utica, New York.