

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SHAWN LEWIS,

Plaintiff,

- v -

Civ. No. 8:17-CV-1360  
(TJM/DJS)

PAULA MICHAUD, *et al.*,

Defendants.

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THOMAS J. McAVOY,  
Senior United States District Judge

**DECISION & ORDER**

**I. INTRODUCTION**

This *pro se* action was referred to the Hon. Daniel J. Stewart, United States Magistrate Judge, for an initial review pursuant to 28 U.S.C. § 1915(e). No objections to Magistrate Judge Stewart's January 17, 2018 Report-Recommendation and Order [Dkt. # 8] have been filed, and the time to do so has expired.

**II. DISCUSSION**

After examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice.

**III. CONCLUSION**

Accordingly, the Court **ACCEPTS and ADOPTS** the Report-Recommendation and Order [Dkt. # 8] for the reasons stated therein. Therefore, it is hereby

**ORDERED** that plaintiff is given thirty (30) days from the date of this Decision and

Order in which to file an Amended Complaint correcting the format and expanding upon the facts that would support his claim for entitlement to relief. Plaintiff is advised that an amended complaint supersedes in all respects the prior pleading. Therefore, if plaintiff files an amended complaint, he **must properly allege in the amended complaint all factual bases for all claims asserted therein, and the amended complaint must be in compliance with Rules 8 and 10 of the Federal Rules of Civil Procedure.** And, it is further

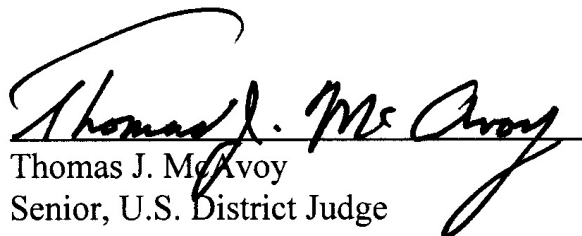
**ORDERED** that should plaintiff fail to file an amended complaint within thirty (30) days from the date of this Decision and Order, plaintiff's Complaint (Dkt. # 1) will be **DISMISSED**, without further action by the Court, pursuant to 28 U.S.C. § 1915 for failure to state a claim. And it is further

**ORDERED** that should plaintiff intend to assert claims on behalf of any minor child, he must either retain counsel for that child within the thirty-day time period for amendment or apply for appointment of counsel for the minor child at the time he files an amended complaint. And it is further

**ORDERED** that plaintiff's motions for leave to add additional parties and facts/citations, Dkt. # 9, and for an extension of time to amend the complaint and to obtain counsel, Dkt. # 10, are **DENIED as MOOT.**

**IT IS SO ORDERED.**

Dated: February 12, 2018

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