

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

STEPHEN KELLY,

Plaintiff,

v.

8:20-CV-721
(GTS/CFH)

JEFFREY M. GUZY,

Defendant.

APPEARANCES:

STEPHEN KELLY, 18-A-3202

Plaintiff, *Pro Se*

Gouverneur Correctional Facility

Scotch Settlement Road

P.O. Box 480

Gouverneur, New York 13642

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by Stephen Kelly (“Plaintiff”) against Jeffrey M. Guzy (“Defendant”) pursuant to 42 U.S.C. § 1983 is United States Magistrate Judge Christian F. Hummel’s Report-Recommendation recommending that this action be closed for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). (Dkt. No. 13.) Plaintiff has not filed an objection to the Report-Recommendation and the deadline in which to do so has expired. (*See generally* Docket Sheet.) Indeed, both the Court’s Decision and Order of January 18, 2022, and Magistrate Judge Hummel’s Report-Recommendation of January 21, 2022, have been returned to the Clerk’s Office as undeliverable, due to Plaintiff’s failure to provide the

Court with his current address.

After carefully reviewing the relevant papers herein, including Magistrate Judge Hummel's thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.¹ Magistrate Judge Hummel employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein, and this action is administratively closed pursuant to Local Rule 41.2(b) and Fed. R. Civ. P. 41(b).

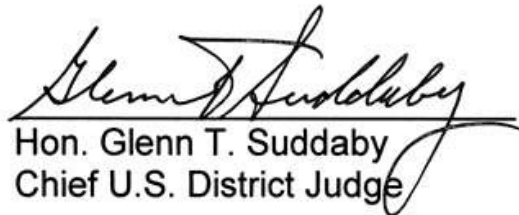
ACCORDINGLY, it is

ORDERED that Magistrate Judge Hummel's Report-Recommendation (Dkt. No. 13) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that this action is **ADMINISTRATIVELY CLOSED** pursuant to Local Rule 41.2(b) and Fed. R. Civ. P. 41(b); and it is further

ORDERED that Plaintiff may apply to reopen this action by appearing and providing his current address.

Dated: February 18, 2022
Syracuse, New York


Hon. Glenn T. Suddaby
Chief U.S. District Judge

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).