

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LARRY RODRIGUEZ,

Plaintiff,

9:06-CV-1288

vs

GLENN S. GOORD; RONALD BACKE, Legislation
Dept.; THOMAS EGAN, Director of Grievance;
BELLING, D.S.S., Auburn Correctional Facility;
LESTER WRIGHT, Chief Medical Examiner;
JOHN NUTTAL, Deputy Commissioner of Programs;
RICHARD LAUX, P.A., Medical Dept., Auburn;
HAROLD SMITH, Director of Mental Health; and
G. McPARTLAND,

Defendants.

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APPEARANCES:

OF COUNSEL:

LARRY RODRIGUEZ  
Plaintiff, *pro se*  
99-A-3278  
Central New York Psychiatric Center  
PO Box 300  
Marcy, NY 13403

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for State Defendants  
Department of Law  
The Capitol  
Albany, New York 12224

HEATHER R. RUBINSTEIN, ESQ.  
Asst. Attorney General

DAVID N. HURD  
United States District Judge

## DECISION and ORDER

Plaintiff, Larry Rodriguez, brought this civil rights action pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated July 16, 2009, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that plaintiff's status as proceeding in forma pauperis be revoked; that plaintiff's amended complaint (Docket No. 5) be conditionally dismissed until such time as plaintiff has payed the entire \$350.00 filing fee; and that if plaintiff does not submit the \$350.00 filing fee within thirty days form the date of the order adopting the report-recommendation, his complaint be dismissed. The plaintiff has timely filed objections to the report-recommendation.

Based upon a careful review of the entire file, including the portions to which the plaintiff has objected, and the recommendations of Magistrate Judge Treece, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that

1. Plaintiff's *in forma pauperis* status is REVOKED;
2. Plaintiff's amended complaint (Docket No. 5) is **CONDITIONALLY DISMISSED** until such time as plaintiff has payed the entire \$350.00 filing fee;
3. If plaintiff does not submit the \$350.00 filing fee within thirty days (30) from the date of this order, the complaint is **DISMISSED** without further order of this court; and
4. In that event, the Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.

  
United States District Judge

Dated: September 28, 2009  
Utica, New York.