

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DERRICK HAMILTON,

Plaintiff,

-v-

9:11-CV-0348
(DNH/DEP)

NEW YORK CITY MUNICIPAL and ANDREA B.
EVANS, Chairwoman, New York State Parole
Board,

Defendants.

APPEARANCES:

OF COUNSEL:

DERRICK HAMILTON
93-A-5631
Plaintiff, pro se
Auburn Correctional Facility
P.O. Box 618
Auburn, NY 13021

LAW OFFICE OF DANIEL W. COFFEY
Attorneys for Defendant New York City
119 Washington Avenue
2nd Floor
Albany, NY 12210

DANIEL W. COFFEY, ESQ.

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of New York
Attorney for Defendant Evans
The Capitol
Albany, NY 12224

ADRIENNE J. KERWIN, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff brought this action pursuant to 42 U.S.C. § 1983. On January 10, 2012,
the Honorable David E. Peebles, United States Magistrate Judge, advised, by Report-

Recommendation, that defendant New York City's motion to dismiss for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6) be granted; that defendant Evans' motion for judgment on the pleadings pursuant to Rule 12(c) be granted; and that plaintiff's motion for a preliminary injunction be denied as moot. No objections to the Report-Recommendation were filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. 636(b)(1).

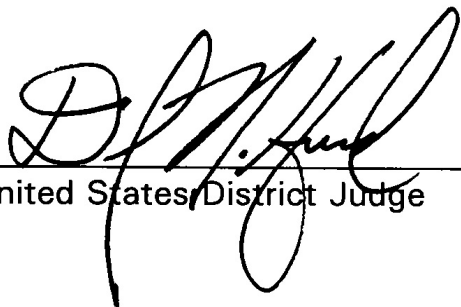
Therefore it is

ORDERED that

1. Defendant New York City Municipal's motion to dismiss for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6) is GRANTED;
2. Defendant Andrea B. Evans' motion for judgment on the pleadings pursuant to Rule 12(c) is GRANTED; and
3. Plaintiff Derrick Hamilton's motion for a preliminary injunction is DENIED as moot.

The Clerk is directed to enter judgment dismissing the complaint.

IT IS SO ORDERED.


United States District Judge

Dated: February 3, 2012
Utica, New York.