

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

THOMAS GOODSON,

Plaintiff,

-against-

9:11-CV-00541 (LEK/DEP)

LESTER N. WRIGHT; DONALD
SAWYER, Director of CNYPC; BRIAN
FISCHER, Commissioner of DOCCS;
CHRIS BOYER, Treatment Assistance
Worker at CNYPC; ROB AMBROSE,
Treatment Assistance Worker at CNYPC;
MARK LUKZAC, Treatment Assistance
Worker at CNYPC; DOMINICK
MARANGI, Treatment Assistance
Worker at CNYPC; CASEY JONES,
Treatment Assistance Worker at CNYPC;
LIN, Nurse at CNYPC; and CYNTHIA
LAWS, Medical Doctor at CNYPC,

Defendants.

DECISION and ORDER

This matter comes before the Court following a Report-Recommendation filed on May 23, 2012 by the Honorable David E. Peebles, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Northern District of New York Local Rule 72.3(d). Dkt. No. 29 (“Report-Recommendation”).

Within fourteen days after a party has been served with a copy of a magistrate judge’s report-recommendation, the party “may serve and file specific, written objections to the proposed findings and recommendations.” FED. R. CIV. P. 72(b); N.D.N.Y. L.R. 72.1(c). “If no objections are filed . . . reviewing courts should review a report and recommendation for clear error.” Edwards v. Fischer, 414 F. Supp. 2d 342, 346-47 (S.D.N.Y. 2006) (citations omitted).

Here, no objections have been raised in the allotted time with respect to Magistrate Judge Peebles's Report-Recommendation. See generally Dkt. Plaintiff requested – and the Court granted – three extensions to file objections to the Report-Recommendation.¹ Dkt. Nos. 30-32 (and accompanying Text Orders). Plaintiff failed to file objections during each extension. See generally Dkt. On August 21, 2012, the Court denied Plaintiff's fourth request for an indefinite extension. Dkt. No. 33; Text Order, Aug. 21, 2012. After a thorough review of the Report-Recommendation and the record, the Court has determined that the Report-Recommendation is not subject to attack for clear error or manifest injustice.

Accordingly, it is hereby:

ORDERED, that the Report-Recommendation (Dkt. No. 29) is **APPROVED** and **ADOPTED in its entirety**; and it is further

ORDERED, that Defendants' two dismissal Motions (Dkt. Nos. 9, 25) are **GRANTED**, and that Plaintiff's Complaint (Dkt. No. 1) in this action is **DISMISSED in its entirety, with leave to replead within thirty (30) days** of this Decision and Order;² and it is further

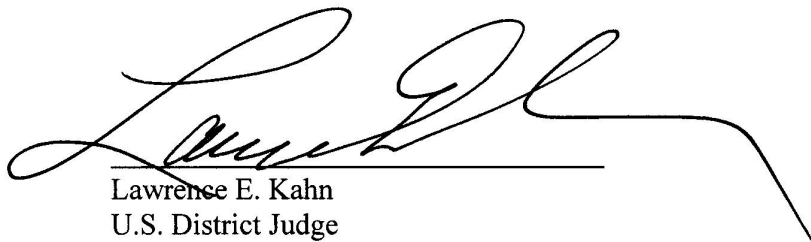
ORDERED, that the Clerk of the Court serve a copy of this Decision and Order upon the parties to this action.

IT IS SO ORDERED.

¹ In his first Letter Motion seeking an extension, Plaintiff also expressed a desire to file an amended complaint. Dkt. No. 30. Additionally, Plaintiff stated that he intends to file objections "along with adopting Magistrate Judge David E. Peebles[']s] Report and Recommendation in its entirety." Id. at 1.

² If Plaintiff wishes to amend his complaint, he is instructed do so in accordance with the guidelines laid out in the Report-Recommendation. See Report-Rec. at 34-36.

DATED: August 24, 2012
Albany, New York



Lawrence E. Kahn
U.S. District Judge