

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**CALVIN WEAVER,**

**Plaintiff,**

**v.**

**9:11-CV-1238  
(NAM/RFT)**

**ERIC GUTWEIN,**

**Defendant.**

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**APPEARANCES:**

**OF COUNSEL:**

CALVIN WEAVER  
Plaintiff, *Pro Se*

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

CHARLES J. QUACKENBUSH, ESQ.  
Assistant Attorney General

**NORMAN A. MORDUE, SENIOR U. S. DISTRICT JUDGE**

**ORDER**

The above matter comes to me following a Report-Recommendation by Magistrate Judge Randolph F. Treece, duly filed on the 17<sup>th</sup> day of January 2014. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

Such Report-Recommendation, which was mailed to plaintiff's last known residence, was returned to the Court as undeliverable to plaintiff at such address. *See* docket nos. 29 and 30.

Additionally, plaintiff was previously advised by the Court that plaintiff was required to promptly notify the Clerk's Office of any change in his address, and that failure to keep such

office apprised of his current address would result in the dismissal of the instant action. *See* docket no. 10.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

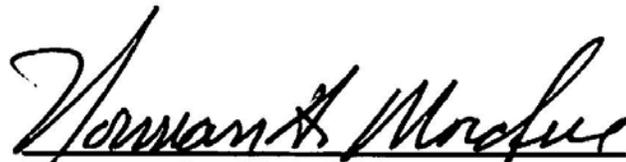
**ORDERED** that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The defendant's motion for summary judgment is granted and this action is dismissed.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the

Magistrate Judge assigned to this case.

**IT IS SO ORDERED.**

Dated: March 7, 2014  
Syracuse, New York

  
**Norman A. Mordue**  
**Senior U.S. District Judge**

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