

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

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**JANOS DRAVECZ,**

**Plaintiff,**

**-against-**

**9:11-CV-1382**

**BRIAN FISCHER, Commissioner, et al.,**

**Defendants.**

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**DECISION & ORDER**

**Thomas J. McAvoy, S.U.S.D.J.:**

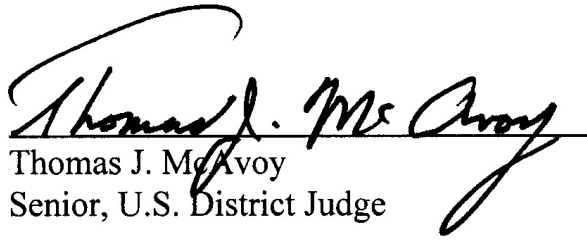
This action, brought pursuant to 42 U.S.C. § 1983, was referred by this Court to the Honorable David E. Peebles, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

In the Report-Recommendation, Magistrate Judge Peebles recommends that Plaintiff's claim be dismissed. No objections to the Report-Recommendation dated September 5, 2012, have been filed. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein.

For the foregoing reasons, the Court ADOPTS the Report and Recommendation in its entirety.

**IT IS SO ORDERED.**

Dated: October 25, 2012

  
Thomas J. McAvoy  
Senior, U.S. District Judge