UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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LEONARD J. ALLEN,

Plaintiff,

v. **No. 9:12-CV-534 (TJM/CFH)**

MICHAEL J. AMATO, Sheriff; MICHAEL FRANKO, Jail Administrator,

Defendants.

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THOMAS J. McAVOY
Senior United States District Judge

DECISION and ORDER

I. INTRODUCTION

This pro se action brought pursuant to 42 U.S.C. § 1983 was referred by this Court to the Hon. Christian F. Hummel, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). In his May 28, 2013 Report-Recommendation and Order, Magistrate Judge Hummel recommends that Defendants' motion for summary judgment (Dkt. # 16) be denied. No objections to the Report-Recommendation and Order have been filed, and the time to do so has expired.[1]

[1]The Docket indicates that the Report-Recommendation and Order was served on Plaintiff at his last known address at Montgomery County Jail but was returned as "undeliverable" with the notation on the envelope that reads "RTS- no longer here". Plaintiff provided no forwarding address.

The Local Rules requires all pro se litigants to "immediately notify the Court of any change of address," NDNY LR 10.1(c)(2), and clearly advises parties that "[f]ailure to notify the Court of a change of address in accordance with L.R. 10.1(c)(2) may result in the dismissal of any pending action." NDNY LR 41.2(b). In light of Plaintiff's failure to advise the Court of a forwarding address, the Court deems the Report-

(continued...)

II. DISCUSSION

After examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice.

III. CONCLUSION

Accordingly, the Court **ADOPTS** the Report-Recommendation and Order for the reasons stated therein. Defendant's motion for summary judgment [dkt. # 16] is **DENIED.**

Plaintiff is advised that the action may be dismissed pursuant to Fed. R. Civ. P. 41(b) and Local Rule 41.2 if he fails to prosecute this matter.[2]

IT IS SO ORDERED.

Dated: September 16, 2013

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

[1](...continued)
Recommendation and Order as unopposed.

[2]Plaintiff had requested, and was granted, an extension of time to respond the motion for summary judgment but did not submit any opposition. As indicated in fn. 1, he has not advise the Court of a forwarding address.