

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOSEPH FAILL,

Plaintiff,

v.

9:13-CV-557

CAPT. ADAMIK,
SUPERINTENDENT BRANDON J. SMITH,

Defendants.

THOMAS J. McAVOY
Senior United States District Judge

DECISION and ORDER

This action, brought pursuant to 42 U.S.C. § 1983 and alleging violations of Plaintiff's constitutional rights in a prison disciplinary hearing, was referred by this Court to the Honorable Thérèse Wiley Dancks, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

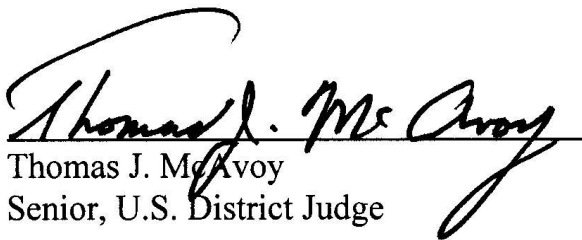
In the Report-Recommendation, Magistrate Judge Dancks recommends that the case be dismissed and Defendants' motion for summary judgment be denied as moot because Plaintiff, proceeding *pro se*, has not informed the Court of a change in address and has apparently abandoned the case. No objections to the Report-Recommendation dated March 4, 2015 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, dkt. # 23. The action is **DISMISSED** and Defendants' motion for summary judgment, dkt. # 18, is **DENIED** as moot.

IT IS SO ORDERED.

Dated: March 26, 2015


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