

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

EDWIN BANKS,

Plaintiff,

-v-

9:13-CV-1500
(DNH/ATB)

D. ROCK, E. MARSHALL, B. PAGE,
and HIDE,

Defendants.

APPEARANCES:

OF COUNSEL:

EDWIN BANKS
Plaintiff pro se
03-B-1574
Attica Correctional Facility
Box 149
Attica, NY 14011

New York State Attorney General
Attorneys for Defendants
The Capitol
Albany, NY 12224

Rachel M. Kish, Esq.

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Edwin Banks brought this civil rights action, alleging various constitutional violations. On March 8, 2016, the Honorable Andrew T. Baxter, United States Magistrate Judge, advised by Report-Recommendation that defendants' motion to dismiss plaintiff's action as a sanction for failing to participate in his deposition, pursuant to Federal Rule of Civil Procedure 37, and the complaint be dismissed in its entirety. See ECF No. 72. Neither party filed objections to the Report-Recommendation.

Based upon a de novo review of the Report-Recommendation, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

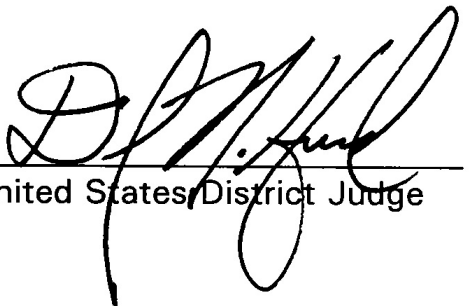
Therefore, it is ORDERED that:

1. Defendants' motion to dismiss plaintiff's action as a sanction for failing to participate in his deposition, pursuant to Fed. R. Civ. P. 37 (ECF No. 71) be **GRANTED**, and the complaint is **DISMISSED WITH PREJUDICE**; and

2. The Clerk serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

The Clerk of the Court shall enter judgment and close this case.

IT IS SO ORDERED.



United States District Judge

Dated: March 30, 2016
Utica, New York