

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MICHAEL J. RODRIGUEZ,

Plaintiff,

-v-

No. 9:14-CV-0418
(DNH/DEP)

DAVE FAVRO, Clinton County Sheriff; MAJOR
SMITH, Jail Administrator; and CLINTON
COUNTY JAIL,

Defendants.

APPEARANCES:

OF COUNSEL:

MICHAEL J. RODRIGUEZ
Plaintiff Pro Se
20140081
Clinton County Jail
25 McCarthy Drive
Plattsburgh, NY 12901

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Michael J. Rodriguez brought this civil rights action pursuant to 42 U.S.C. § 1983. On September 11, 2014, the Honorable David E. Peebles, United States Magistrate Judge, advised by Report-Recommendation that plaintiff's claims against the Clinton County Jail be dismissed and that Clinton County be substituted in place of that defendant. No objections to the Report-Recommendation were filed. The Report-Recommendation sent to plaintiff at his last known address was returned as undeliverable.

Based upon a careful review of the entire file and the recommendations of the

Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Plaintiff's claims against the Clinton County Jail are DISMISSED;
2. Clinton County is substituted as a defendant in place of Clinton County Jail;
3. Upon receipt from plaintiff of the documents required for service of process, the

Clerk shall issue summonses and forward them, along with copies of the complaint, to the United States Marshal for service upon the named defendants;

4. The Clerk forward a copy of the summons and complaint in this action by mail to the County Attorney for Clinton County, together with a copy of this Decision and Order;

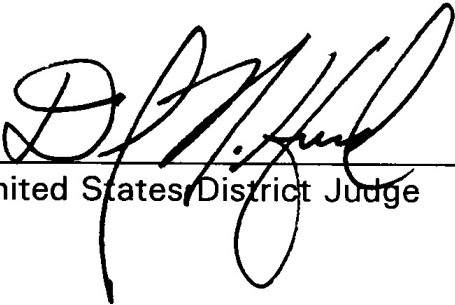
5. The defendants are directed to file a response to the complaint as provided for in the Federal Rules of Civil Procedure following service of process on the defendants;

6. All pleadings, motions and other documents relating to this action be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367. **Any paper sent by a party to the court or the clerk must be accompanied by a certificate showing that a true and correct copy of same was mailed to all opposing parties or their counsel. Any document received by the clerk or the court which does not include a certificate of service showing that a copy was served upon all opposing parties or their attorneys will be returned, without processing.** Plaintiff must comply with any requests by the Clerk's Office for any documents that are necessary to maintain this

action. All parties must comply with Local Rule 7.1 of the Northern District of New York in filing motions, which must be returnable before the assigned district judge with proper allowance for notice as required by the Rules. **Plaintiff is also required to promptly notify the clerk's office and all parties or their counsel of any change in plaintiff's address; his failure to do so will result in the dismissal of this action;** and

7. The Clerk is directed to serve a copy of this Decision and Order upon the parties in accordance with the Local Rules.

IT IS SO ORDERED.


United States District Judge

Dated: October 3, 2014
Utica, New York.