

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

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ELIJAH SKATES,

Plaintiff,

v.

9:14-cv-1092  
(TJM/DEP)

JARROD SHUSDA, et al.,

Defendants.

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

**DECISION and ORDER**

The Court referred this action alleging civil rights violations by prison officers, brought pursuant to 42 U.S.C. § 1983, to the Hon. David E. Peebles, Chief United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. The Report-Recommendation, dated September 27, 2017, recommends that the Court grant Defendants' motion to dismiss for failure to prosecute.

Plaintiff did not file objections to the Report-Recommendation and the time for filing such objections has passed. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice and the Court will adopt the Report-Recommendation.

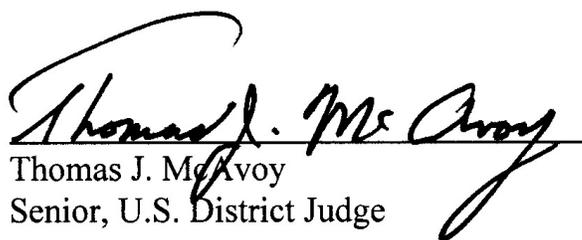
Accordingly:

The Report-Recommendation, dkt. # 63, is hereby ADOPTED. The Defendants'

motion to dismiss for lack of prosecution and failure to comply with discovery orders, dkt. # 62, is hereby GRANTED. The Complaint is dismissed in its entirety. The Clerk of Court is directed to CLOSE the case.

**IT IS SO ORDERED**

Dated: October 26, 2017

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