

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
MICHAEL S. HARTLEY**

Plaintiff,

**9:14-cv-1366
(GLS/CFH)**

v.

RICHARD DEVLIN, JR. et al.

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

MICHAEL S. HARTLEY
Plaintiff, *Pro Se*
12 Division Street
Apt. 1
Oneonta, New York 13820

HON. ERIC T. SCHNEIDERMAN
Attorney General for the
State of New York
The Capitol
Albany, New York 12224

RYAN W. HICKEY
Assistant Attorney General

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following a Report-Recommendation and Order by Magistrate Judge Christian F. Hummel, duly filed on April 9, 2018 (Dkt. No. 62.) Following fourteen days from the

service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Report-Recommendation and Order for clear error, it is hereby

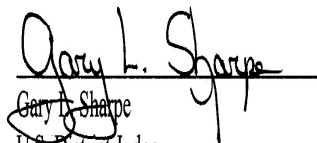
ORDERED that the Report-Recommendation and Order (Dkt. No. 62) is **ADOPTED** in its entirety; and it is further

ORDERED that defendants' motion to dismiss pursuant to Fed. R. Civ. P. 41(b) (Dkt. No. 58) is **DENIED** without prejudice to renew; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules.

IT IS SO ORDERED.

May 3, 2018
Albany, New York



Gary L. Sharpe
U.S. District Judge