

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

---

**ARRELLO BARNES**

**Plaintiff,**

**9:15-cv-777  
(GLS/DEP)**

**v.**

**ANTHONY ANNUCCI, Acting  
Commissioner *et al.***

**Defendants.**

---

**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

ARRELLO BARNES  
00-A-0957  
Southport Correctional Facility  
P.O. Box 2000  
Pine City, New York 14871

**FOR THE DEFENDANTS:**

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

COLLEEN D. GALLIGAN  
Assistant Attorney General

**Gary L. Sharpe  
Senior District Judge**

**ORDER**

The above-captioned matter comes to this court following a Report

and Recommendation by Magistrate Judge David E. Peebles, duly filed on August 10, 2016. (Dkt. No. 56.) 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<sup>1</sup>, and the court having reviewed the Report-Recommendation for clear error, it is hereby

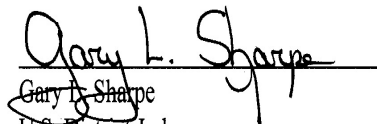
**ORDERED** that the Report and Recommendation (Dkt. No. 56) is **ADOPTED** in its entirety; and it is further

**ORDERED** that defendants' motion to revoke plaintiff's IFP status and conditionally dismiss the complaint in this matter, (Dkt. No. 30), is **DENIED**; and it is further

**ORDERED** that the clerk of the court serve a copy of this order upon the parties in accordance with this court's Local Rules.

**IT IS SO ORDERED.**

September 7, 2016  
Albany, New York

  
\_\_\_\_\_  
Gary L. Sharpe  
U.S. District Judge

---

<sup>1</sup> On August 29, 2016, plaintiff filed a letter advising the court that he does not have any objections to the Report-Recommendation. (Dkt. No. 59.)