

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

---

**LARRY PORTER,**

**Plaintiff,**

**9:15-cv-1106  
(GLS/TWD)**

**v.**

**SHEILA SAUVE, *et al.*,**

**Defendant.**

---

**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

LARRY PORTER  
88-A-4542  
Plaintiff, *pro se*  
Upstate Correctional Facility  
P.O. Box 2001  
Malone, New York 12953

**FOR THE DEFENDANT:**

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

CHRISTOPHER J. HUMMEL  
Assistant Attorney General

**Gary L. Sharpe  
Senior District Judge**

## **ORDER**

The above-captioned matter comes to this court following an Order and Report-Recommendation by Magistrate Judge Thérèse Wiley Dancks, duly filed on May 4, 2017. (Dkt. No. 37.) 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 for clear error, it is hereby

**ORDERED** that the Report-Recommendation (Dkt. No. 37) is **ADOPTED** in its entirety; and it is further

**ORDERED** that Defendants' motion to dismiss for failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (Dkt. No. 33) is **GRANTED** and plaintiff's complaint (Dkt. No. 1) is **DISMISSED IN ITS ENTIRETY WITHOUT LEAVE TO AMEND**; and it is further

**ORDERED** that the District Court declines to exercise supplemental jurisdiction over plaintiff's state law claims; and it is further

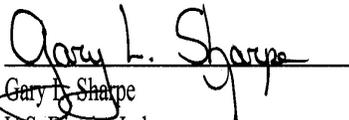
**ORDERED** that the clerk close this case; and it is further

**ORDERED** that the clerk provide a copy of this Order to the parties in

accordance with the court's Local Rules of Practice.

**IT IS SO ORDERED.**

May 25, 2017  
Albany, New York

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