UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

ANTHONY FABIAN,

Plaintiff,

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9:16-cv-22 (TJM/TWD)

DUBREY, et al.,

Defendants.

THOMAS J. McAVOY, Senior United States District Judge

ORDER

The Court issued a motion to dismiss this action pursuant to Local Rule 41.2(b) and

10.1(c)(2) for plaintiff's failure to update his address and prosecute this action. See, Dkt.

No. 42. Plaintiff responded, providing a notice of change of address to Five Points

Correctional Facility and requesting the appointment of counsel. Dkt. No. 44.

The Court's dismissal motion, Dkt. No. 42, is **DENIED**. Plaintiff's request for the

appointment of counsel, Dkt. No. 44, is referred to the Hon. Thérèse Wiley Dancks, the

United States Magistrate Judge assigned in this matter.

IT IS SO ORDERED.

Dated:July 12, 2018

1. Mr anon Thomas J. McKvov

Senior, U.S. District Judge