

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ERIC WALKER *also known as* ERIC
QWASIM Z WALKER *also known as*
ERIC Z Q WALKER,

Plaintiff,

-v-

9:16-CV-437
(DNH/DJS)

R. BALL, Captain, Washington Correctional
Facility; A. RODRIGUEZ, Acting Director, NYS
DOCCS Appeals Unit; ST. JOHNS, Correction
Officer, Washington Correctional Facility; and
WM NOONAN, Sergeant, Washington
Correctional Facility,

Defendants.

APPEARANCES:

OF COUNSEL:

ERIC WALKER *also known as*
ERIC QWASIM Z WALKER *also known as*
ERIC Z Q WALKER

Plaintiff pro se
15-A-2625
Last known address
Green Haven Correctional Facility
P.O. Box 4000
Stormville, NY 12582

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

NICOLE E. HAIMSON, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Eric Walker, *also known as* Eric Qwasim Z Walker, *also known as* Eric Z Q Walker, brought this civil rights action pursuant to 42 U.S.C. § 1983. On February 16, 2018, the Honorable Daniel J. Stewart, United States Magistrate Judge, advised by Report-Recommendation that plaintiff's amended complaint be dismissed in its entirety pursuant to Federal Rule of Civil Procedure 41 based on plaintiff's failure to prosecute this action, or in the alternative, that defendants' unopposed motion for summary judgment be granted. No objections to the Report-Recommendation were filed. The Report-Recommendation mailed to plaintiff's last known address was returned as undeliverable. To date, no response to defendants' motion for summary judgment has been received nor any notification that plaintiff changed his address. The court's last communication from plaintiff was in May 2017.

Based upon a careful review of the Report-Recommendation, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. This action is DISMISSED pursuant to Federal Rule of Civil Procedure 41 for failure to prosecute; and
2. Defendants' motion for summary judgment is DENIED as moot.

The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.

United States District Judge

Dated: March 20, 2018
Utica, New York.