

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

STEVEN C. MCKNIGHT,

Plaintiff,

v.

9:16-cv-957
(TJM/DEP)

J. FERRICK, et al.,

Defendants.

Thomas J. McAvoy, SR. U.S.D.J.

DECISION and ORDER

The Court referred this action alleging constitutional violations by prison officers, brought pursuant to 42 U.S.C. § 1983, to the Hon. David E. Peebles, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. Plaintiff alleges that the Defendants are liable to him for use of excessive force. The Report-Recommendation, dated June 30, 2017, recommended that the Court grant Defendants' motion to dismiss for failure to prosecute.

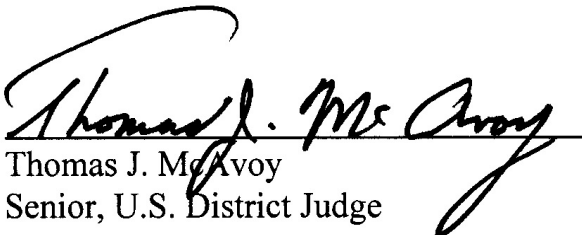
Plaintiff did not file objections to the Report-Recommendation and the time for filing such objections has passed. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice and the Court will adopt the Report-Recommendation.

Accordingly:

The Report-Recommendation, dkt. # 38, is hereby ADOPTED. The Defendants' motion to dismiss, dkt. # 37, is hereby GRANTED.

IT IS SO ORDERED.

Dated: July 25, 2017


Thomas J. McAvoy
Senior, U.S. District Judge