

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

ALBERT MORGAN,

Plaintiff,

v.

9:17-cv-3
(TJM/ATB)

ANTHONY J. ANNUCCI, et al.,

Defendants.

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

DECISION and ORDER

The Court referred this 42 U.S.C. § 1983 action, alleging that Defendants violated Plaintiff's constitutional rights when they subjected him to beatings and denied him proper medical care while he was incarcerated, to the Hon. Andrew T. Baxter, 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. The Report-Recommendation recommends that the Plaintiff be required to file with the Court a copy of the United States Attorney General's written consent for permission to apply for re-entry to the United States within ninety days of the date of this Order, and that the Court grant Defendants' motion to dismiss for failure to prosecute if Plaintiff fails to file that consent.

No party filed 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

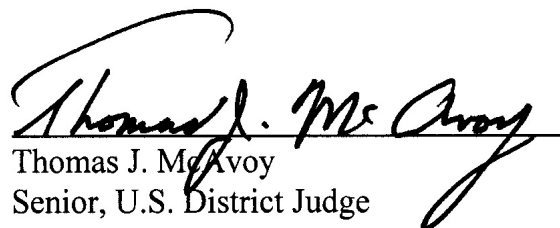
the Court will accept and adopt the Report-Recommendation.

It is therefore hereby ORDERED that the Report-Recommendation of Magistrate Judge Baxter, dkt. # 40, is hereby ACCEPTED and ADOPTED. It is hereby ORDERED that:

1. The Plaintiff shall file with the Court a copy the written consent of the United States Attorney General, or his designee, granting Plaintiff permission to apply for re-entry to the United States;
2. Plaintiff shall file such consent within 90 days of the date of this Order; and
3. If Plaintiff fails to file such written consent within 90 days of the date of this Order, Defendants' motion to dismiss, dkt. # 35, will be GRANTED, and the Complaint will be DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

Dated: May 23, 2018


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