

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

TYRAN DENT,

Plaintiff,

- v -

9:19-CV-1546

**LAYO, C.R. TREMBLAY, D. BROWN, and
BHABORI,**

Defendants.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION and ORDER

I. INTRODUCTION

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. Daniel J. Stewart, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). Defendants move to dismiss the Complaint under Fed. R. Civ. P. 41 due to Plaintiff's failure to prosecute this action. Dkt. No. 19. Plaintiff did not respond to the Motion. As Judge Stewart indicates, Plaintiff was released from the custody of the New York State Department of Corrections and Community Supervision ("DOCCS") on December 19, 2019. Plaintiff has had no communication with Defendants' counsel since being released, he has not provided an updated address to defense counsel, and he has not filed a change of address with the Court as he is required to do under the Local Rules. Further, all of the Orders the Court

has issued since commencement of this case have been returned as undeliverable, including the Report-Recommendation and Order (Dkt. No. 20). As such Plaintiff has not responded to Judge Stewart's recommendation to grant Defendants' motion.

II. DISCUSSION

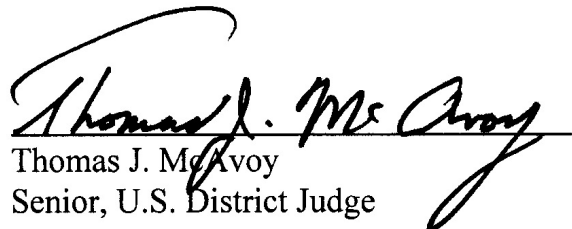
After examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice.

III. CONCLUSION

Accordingly, the Court **ACCEPTS** and **ADOPTS** the Report-Recommendation and Order (Dkt. No. 20) for the reasons stated therein. Defendants' motion to dismiss this action pursuant to Fed. R. Civ. P. 41 due to Plaintiff's failure to prosecute this action, Dkt. No. 19, is **GRANTED** and the Complaint is **DISMISSED without prejudice**. The Clerk of the Court may close the file in this case.

IT IS SO ORDERED.

Dated: February 13, 2021


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