

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**  
**JUSTIN LLEWELLYN,**

**Plaintiff,**

**9:20-cv-179  
(GLS/TWD)**

**v.**

**S. PEACOCK,**

**Defendant.**

**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

Justin Llewellyn  
*Pro Se*  
19-R-0168  
Orleans Correctional Facility  
3531 Gaines Basin Road  
Albion, NY 14411

**FOR THE DEFENDANT:**

HON. LETITIA JAMES  
New York State Attorney General  
The Capitol  
Albany, NY 12224

LAUREN ROSE EVERSLEY  
Assistant Attorney General

**Gary L. Sharpe**  
**Senior District Judge**

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation and Order (R&R) by Magistrate Judge Thérèse Wiley Dancks duly filed December 2, 2021. (Dkt. No. 30.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the R&R for clear error, it is hereby

**ORDERED** that the Report-Recommendation and Order (Dkt. No. 30) is **ADOPTED** in its entirety; and it is further

**ORDERED** that defendant's motion to dismiss (Dkt. No. 29) is **GRANTED**; and it is further

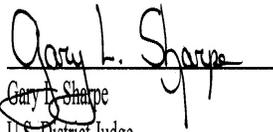
**ORDERED** that plaintiff's amended complaint (Dkt. No. 5) is **DISMISSED without prejudice**; and it is further

**ORDERED** that the Clerk is directed to close this case; and it is further

**ORDERED** that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules of Practice. Specifically, the Order shall be provided to plaintiff at his address of record (Orleans Correctional Facility) and the facility from which he was released (Sing Sing Correctional Facility).

**IT IS SO ORDERED.**

January 7, 2022  
Albany, New York

  
Gary L. Sharpe  
U.S. District Judge