

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

KEVIN GERVASIO,

Plaintiff,

v.

**9:20-CV-346
(TJM/DJS)**

RICARDO DIAZ and ALEZ ROSA,

Defendants.

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

DECISION and ORDER

I. INTRODUCTION

This pro se civil rights action was referred to the Hon. Daniel J. Stewart, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and N.D.N.Y.72.3(c). Judge Stewart reviewed Defendants' Motion to Dismiss based on Plaintiff's failure to properly update his address and failure to prosecute. Dkt. No. 37. Judge Stewart recommends that the motion be granted. See Report-Recommendation and Order, Dkt. No. 39. No objections to the Report-Recommendation and Order have been filed, and the time to do so has expired.

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

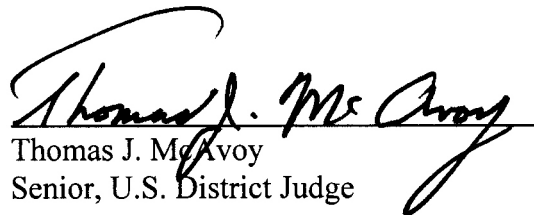
Accordingly, the Court **ACCEPTS** and **ADOPTS** the Report-Recommendation and Order (Dkt. No. 39) for the reasons stated therein. Therefore, it is hereby

ORDERED that Defendants' Motion to Dismiss (Dkt. No. 37) is **GRANTED**; and it is further

ORDERED that Plaintiff's complaint (Dkt. No. 1) is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Dated: August 25, 2022


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