

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ROBERT DUNN,

Plaintiff,

9:21-CV-0905  
(GTS/ATB)

v.

SCHADEL, Sgt.; TACTI, Corr. Officer; and  
JOHN/JANE DOES 1-5, Corr. Officers,

Defendants.

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APPEARANCES:

OF COUNSEL:

ROBERT DUNN

Plaintiff, *Pro Se*

c/o Officer Smith

New York State Division of Parole

92-36 Merrick Boulevard

Jamaica, New York 11433

HON. LETITIA A. JAMES

Attorney General for the State of New York

Counsel for Defendants

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Syracuse, New York 13202

AIMEE COWAN, ESQ.

Assistant Attorney General

GLENN T. SUDDABY, United States District Judge

**DECISION and ORDER**

Currently before the Court, in this *pro se* prisoner civil rights action filed by Nicholas Dayter (“Plaintiff”) against the above-captioned corrections officers (“Defendants”), are (1) Defendants’ motion to dismiss Plaintiff’s Complaint for failure to prosecute, and (2) United States Magistrate Judge Andrew T. Baxter’s Report-Recommendation recommending that Defendants’ motion be granted and Plaintiff’s Complaint be dismissed with prejudice. (Dkt. Nos. 37, 29.) No party has filed an objection to the Report-Recommendation and the deadline in

which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing the relevant filings in this action, the Court finds no error in the Report-Recommendation, clear or otherwise:<sup>1</sup> Magistrate Judge Baxter employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Court accepts and adopts the Report-Recommendation for the reasons stated therein, Defendants' motion to dismiss is granted, and Plaintiff's Complaint is dismissed with prejudice.

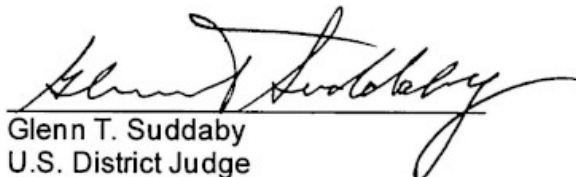
**ACCORDINGLY**, it is

**ORDERED** that Magistrate Judge Baxter's Report-Recommendation (Dkt. No. 29) is **ACCEPTED** and **ADOPTED**; and it is further

**ORDERED** that Defendant's motion to dismiss (Dkt. No. 27) is **GRANTED**; and it is further

**ORDERED** that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED with prejudice**.

Dated: November 29, 2022  
Syracuse, New York

  
Glenn T. Suddaby  
U.S. District Judge

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<sup>1</sup> When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a clear error review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at \*1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).