

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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LEROY PEOPLES,

Plaintiff,

v.

9:22-CV-1263  
(GTS/TWD)

JOHN SHEA,

Defendant.

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APPEARANCES:

OF COUNSEL:

LEROY PEOPLES, 05-A-2620  
Plaintiff, *Pro Se*  
Clinton Correctional Facility  
P.O. Box 2001  
Dannemora, New York 12929

HON. LETITIA A. JAMES  
Attorney General for the State of New York  
Counsel for Defendants  
The Capitol  
Albany, New York 12224

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 Leroy Peoples (“Plaintiff”) against the above-captioned parole officer (“Defendant”), are (1) Defendant’s motion to revoke Plaintiff’s *in forma pauperis* (“IFP”) status under the so-called “three strikes rule” and conditionally dismiss the Complaint for failure to pay the required filing fee, and (2) United States Magistrate Judge Thérèse Wiley Dancks’ Report-Recommendation recommending that Defendant’s motion be denied. (Dkt. Nos. 19, 27.) The parties have not

filed an objection to the Report-Recommendation, and the time in which to do so has expired.

(See generally, Docket Sheet.)

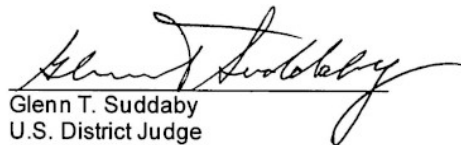
After carefully reviewing the relevant papers herein, including Magistrate Judge Dancks' thorough Report-Recommendation, the Court can find no clear error in the Report-Recommendation:<sup>1</sup> Magistrate Judge Dancks employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons stated therein, and Defendant's motion to revoke Plaintiff's IFP status and conditionally dismiss the Complaint for failure to pay the filing fee is denied.

**ACCORDINGLY**, it is

**ORDERED** that Magistrate Judge Dancks' Report-Recommendation (Dkt. No. 27) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

**ORDERED** that Defendant's motion to revoke Plaintiff's IFP status and conditionally dismiss the Complaint for failure to pay the filing fee (Dkt. No. 19) is **DENIED**.

Dated: June 13, 2023  
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).