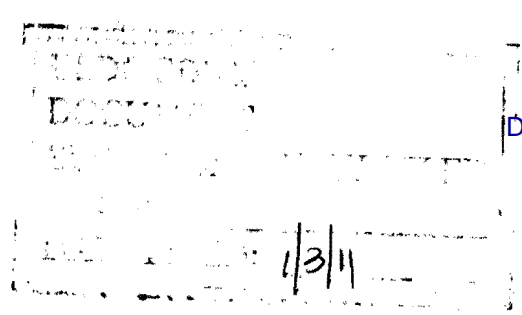


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X

DAVID R. LESPIER, : 10 Civ. 1754 (SHS)

Plaintiff, :

-against- : ORDER

NEW YORK STATE ARMY NATIONAL :
GUARD, *ET AL.*, :

Defendants. :

-----X

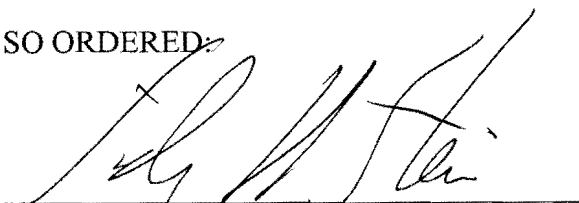
SIDNEY H. STEIN, U.S. District Judge.

On December 7, 2010, Magistrate Judge Ronald L. Ellis issued a Report and Recommendation recommending that this action be dismissed without prejudice for failure to prosecute. Objections to the Report and Recommendation were due on December 27, 2010. To date, the Court has received no objections from plaintiff. After a *de novo* review of the Report and Recommendation dated December 7, 2010,

IT IS HEREBY ORDERED that Magistrate Judge Ellis' Report and Recommendation is adopted and this action is dismissed without prejudice for failure to prosecute.

Dated: New York, New York
January 3, 2011

SO ORDERED



Sidney H. Stein, U.S.D.J.