

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JEFFREY M. ROCKEFELLER,

Plaintiff,

v.

SGT. WARNER, et al.,

Defendants.

DECISION AND ORDER

13-CV-1159-A

The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On December 9, 2016, Magistrate Judge McCarthy filed a Report and Recommendation (Dkt. No. 58), recommending that the plaintiff's case be dismissed pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute.

The Court has carefully reviewed the Report and Recommendation, the record in the case, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, plaintiff's Complaint is dismissed with prejudice.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: January 27, 2017