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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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TERRANCE MONK, 05A6147,

Plaintiff,

-v-

08-CV-6421L(P)

**ORDER**

JOHN LOMBARDO, SAMUEL LUNETTA,  
MURIAL HOWARD, THOMAS E. EINHIPLI,  
HAL PAYNE, MARYLYN NANCE,  
KRIS KAUFMAN and CHARLES B. KENYON

Defendants.

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Plaintiff was directed by Order dated November 9, 2008 (Docket # 5) that he must amend his complaint to address the Court's concern that his complaint had been filed after the statute of limitations on his Fourth Amendment and Due Process Claims, the only remaining claims, had expired.

Plaintiff has filed an amended complaint, but fails to address in any manner the statute of limitations issues he was directed by the Court to address. Accordingly, and for the reasons discussed in the Court's Order of November 9, 2008, plaintiff's amended complaint is dismissed as having been filed beyond the statute of limitations.

**SO ORDERED.**

S/ Michael A. Telesca

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MICHAEL A. TELESCA  
United States District Judge

Dated: January 22, 2009  
Rochester, New York