

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DWAYNE MOSS,

Plaintiff,

DECISION AND ORDER

08-CV-6545L

v.

J. ADERHOLD, et al.,

Defendants.

This Court referred all pretrial motions in this *pro se* civil rights action to United States Magistrate Judge Marian W. Payson pursuant to 28 U.S.C. § 636(b). Two motions were presented to Magistrate Judge Payson: a motion by the plaintiff to amend his complaint and a motion to compel discovery from the defendants.

After considering the matter, Magistrate Judge Payson issued a Decision and Order/Report and Recommendation (Dkt. #75) recommending that this Court deny plaintiff's motion to amend. The Magistrate Judge decided defendants' motions to compel and granted those motions, in part, and denied them in part.

Plaintiff filed an "appeal" from that decision (Dkt. #76), which I treat as his objections to the Magistrate Judge's recommendation that I deny the motion to amend.

Magistrate Judge Payson thoroughly considered the basis for plaintiff's request to amend and determined, for several reasons, that the request was not warranted. I agree and concur with Magistrate Judge Payson's reasoning concerning the pertinent facts and the law and find no reason to alter, amend or reverse that recommendation.

It does not appear that plaintiff challenges the Magistrate Judge's decision concerning discovery.

CONCLUSION

I accept and adopt the Report and Recommendation (Dkt. #75) of United States Magistrate Judge Marian W. Payson. Plaintiff's motion to amend the complaint is denied.

To the extent plaintiff challenges the decision relative to discovery, I affirm the Magistrate Judge's decision, on those matters as well.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
May 11, 2011.