

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

ROGELIO YOUNG,

Plaintiff

-vs-

DECISION and ORDER

12-CV-6251-CJS-MWP

TODD L. TRYON, et al.,

Defendant

Siragusa, J. This case was referred to U.S. Magistrate Judge Marion W. Payson pursuant to 28 U.S.C. § 636(b)(1) on July 24, 2012. Order Referring Case, Jul. 24, 2012, ECF No. 17. On July 16, 2012, Defendant Pickens moved to dismiss Plaintiff's claims against her, the first under the Privacy Act and the second pursuant to 42 U.S.C. § 1983 for failure to state a cause of action. Notice of Mot., Jul. 16, 2012, ECF No. 13. Magistrate Judge Payson filed a Report and Recommendation ("R&R") recommending that the Court grant Defendant Pickens's motion to dismiss the action under the Privacy Act and deny her motion to dismiss the action under § 1983. R&R, Mar. 27, 2013, ECF No. 30.

Defendant Pickens filed timely objections on April 8, 2013, ECF No. 31, to which Plaintiff has not responded. Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a *de novo* determination of those portions of the R&R to which objections have been made. Upon such *de novo* review of the R&R, the Court accepts the proposed findings of the R&R.

Accordingly, for the reasons set forth in Judge Payson's R&R, Defendant Pickens's motion, ECF No. 13, to dismiss Plaintiff's action under the Privacy Act is

granted, and her motion to dismiss Plaintiff's action under § 1983 is denied.

IT IS SO ORDERED.

Dated: Rochester, New York
June 6, 2013

ENTER:

/s/ Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge