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UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

ANDRE MARTIN,	:	
Plaintiff,	:	
v.	:	**File No. 1:13-cv-70-jgm**
ANDREW PALLITO, Commissioner, Vermont Department of Corrections,	:	
Defendant.	:	

ORDER

The Magistrate Judge's Report and Recommendation was filed October 25, 2013. (Doc. 14.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

Defendants' Motion to Dismiss (Doc. 10) is GRANTED. Plaintiff shall be allowed thirty days to file an Amended Complaint. Failure to file an Amended Complaint on or before January 10, 2014 shall result in the dismissal of this case with prejudice.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 10th day of December, 2013.

/s/ J. Garvan Murtha
Honorable J. Garvan Murtha
United States District Judge

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