UNITED STATES DISTRICT COURT FOR THE DISTRICT OF VERMONT

YETHA IDRISS LUMUMBA,	:
	:
Plaintiff,	:
	:
v .	:
	:
MICHAEL BEYOR, ELIJAH GREEN,	:
NORTHWEST STATE CORRECTIONAL	:
FACILITY,	:
	:
Defendants.	:

File No. 1:13-cv-81-jgm-jmc

ORDER

The Magistrate Judge's Report and Recommendation was filed February 19, 2014. (Doc. 13.) After <u>de novo</u> review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. <u>See</u> 28 U.S.C. § 636(b)(1).

The Motion to Dismiss filed by Defendants Michael Beyor and Northwest State Correctional Facility ("State Defendants") (Doc. 12) is GRANTED. Plaintiff shall be allowed 30 days to file an Amended Complaint. Failure to do so shall result in dismissal with prejudice of all of Lumumba's § 1983 claims against the State Defendants.

The Court sua sponte DISMISSES Lumumba's § 1983 claim against Defendant Elijah Green.

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

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 17th day of April, 2014.

<u>/s/ J. Garvan Murtha</u> Honorable J. Garvan Murtha United States District Judge