

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DONALD WOODWORTH,

Plaintiff,

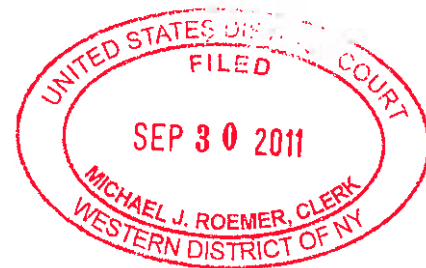
-vs-

ORDER

09-CV-6076

DEPARTMENT OF VETERANS
AFFAIRS, et al.,

Defendants.



Defendants' motion to dismiss the complaint (Dkt. #5) and plaintiff's motion for an extension of time to effect service (Dkt. #8) was referred to United States Magistrate Judge Marian W. Payson pursuant to 28 U.S.C. § 636(b). After careful consideration, the Magistrate Judge issued a Report and Recommendation (Dkt. #18) and recommended that defendants' motion to dismiss the complaint be granted and plaintiff's motion for an extension fo time to effect service be denied. No objections were filed to the Report and Recommendation. In addition, on September 1, 2011, plaintiff's counsel informed the Magistrate Judge that plaintiff wished to discontinue this action.

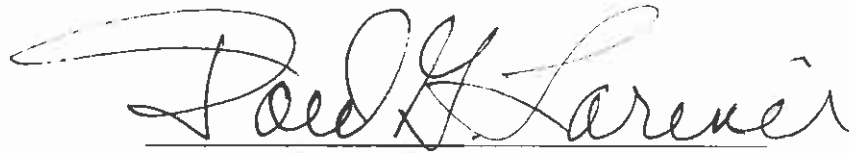
After reviewing both plaintiff's and defendants' motions and the thorough Report and Recommendation, and the request of plaintiff to discontinue this action, I see no reason to alter or

modify or reject the Magistrate Judge's Report and Recommendation, and I therefore accept it in all respects.

CONCLUSION

I accept and adopt the Report and Recommendation (Dkt. #18) of United States Magistrate Judge Marian W. Payson. Defendants' motion to dismiss the complaint is granted and plaintiff's motion for an extension of time to effect service is denied, as moot.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer". The signature is written in a cursive style with a large, sweeping initial "D".

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
September 30, 2011