

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

EMILIO FUSCO,

Petitioner,

v.

No. 9:05-CV-1425
(FJS/DEP)

T. R. CRAIG, Warden, FCI Raybrook,

Respondent.

APPEARANCES:

OF COUNSEL:

FOR PETITIONER:

[**last known address**]

EMILIO FUSCO, pro se

02689-748

FCI Ray Brook

PO Box 9006

Ray Brook, New York 12977

FOR RESPONDENT:

HON. GLENN T. SUDDABY
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Federal Building
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CHARLES E. ROBERTS, ESQ.
Assistant U.S. Attorney

FREDERICK J. SCULLIN, JR., S.J.:

ORDER

Presently before the Court is Magistrate Judge David E. Peebles' November 29, 2006 Report-Recommendation in which he recommends that the action be dismissed pursuant to Rule 41 (b)


of the Federal Rules of Civil Procedure, based upon petitioner's failure to prosecute and to comply with this Court's orders and Local Rules of Practice. Magistrate Judge Peebles' Report-Recommendation was mailed to Petitioner's last known address, but was returned to the Clerk's office marked, "released." Failure to notify the Court of a change of address as required by Local Rule 10.1(b) may result in dismissal of the action. Therefore, in light of Petitioner's failure to notify the Court of his change of address, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge David E. Peebles filed November 29, 2006 is **ACCEPTED** in its entirety for the reasons stated therein, and it is further

ORDERED, that this action is **DISMISSED** in its entirety.

IT SO ORDERED.

DATED: December 20, 2006
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge