

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANTHONY PERRI,

Plaintiff,

-against-

**REPORT & RECOMMENDATION
06 CV 403 (CBA)(LB)**

JOHN DOE, Captain; SERGEANT BARRITEAU;
SUSAN SAVIANO; JOSEPH DITUCCI; and THE
CITY OF NEW YORK,

Defendants.

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BLOOM, United States Magistrate Judge:

On November 21, 2008, *pro se* plaintiff Anthony Perri filed a submission he entitled “Memorandum of Law/ The Perri Report.” The only relief specifically sought by plaintiff is to reinstate the defendants previously dismissed by allowing plaintiff to amend his complaint. See document 151. In a separate order I denied plaintiff’s request to reinstate defendants and to amend his complaint. However, as plaintiff’s submission also requests unspecified injunctive relief, I respectfully recommend that plaintiff’s request for injunctive relief should be denied pursuant to 28 U.S.C. §636(b).

Although plaintiff requests that he be granted “a preliminary injunction/temporary restraining order forthwith,”see document 151 ¶ 53(C), it is not clear what injunctive relief he seeks, nor does he demonstrate the requisite irreparable harm and likelihood of success on the merits that would merit such relief. Accordingly, to the extent that plaintiff requests injunctive relief from this Court, those requests should be denied. Plaintiff has not made the requisite showing for injunctive relief under Fed. R. Civ. P. 65. See Green Party of New York State v. New York State Bd. of Elections, 389 F.3d411, 418 (2d Cir. 2004) (A party seeking a preliminary injunction must establish irreparable

harm and either (a) likelihood of success on the merits or (b) sufficiently serious questions going to the merits and a balance of hardships tipping decidedly in its favor).

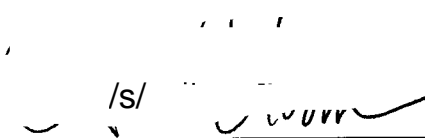
CONCLUSION

Plaintiff's November 21, 2008 request for injunctive relief should be denied.

FILING OF OBJECTIONS TO REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have ten (10) days from service of this Report to file written objections. See also Fed. R. Civ. P. 6. Such objections shall be filed with the Clerk of the Court. Any request for an extension of time to file objections must be made within the ten-day period. Failure to file a timely objection to this Report generally waives any further judicial review. Marcella v. Capital District Physician's Health Plan, Inc., 293 F.3d 42 (2d Cir. 2002); Small v. Secretary of Health and Human Services, 892 F.2d 15 (2d Cir. 1989); see Thomas v. Arn, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).

SO ORDERED.



LOIS BLOOM
United States Magistrate Judge

Dated: February 10, 2009
Brooklyn, New York