

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOESPH K. PERDUM, SR.,

Plaintiff,

- against -

FOREST CITY RATNER COMPANIES,
TARGET STORES, and PATHMARK
STORES, INC.,

Defendants.
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DEARIE, District Judge.

Pro se plaintiff Joseph Perdum alleges that the defendant stores discriminated against him, on the basis of his disability, by not providing handicapped parking. Compl. at 4. On February 16, 2011, Pathmark Stores, Inc. filed a notice of its petition for bankruptcy, automatically staying proceedings in this case. See ECF Docket # 8. Pathmark wrote Magistrate Judge Viktor Pohorelsky on April 27, 2012 that the Bankruptcy Court had issued an order discharging Pathmark from liability for various claims, including those asserted by plaintiff. See ECF Docket # 17. In a May 3, 2012 Report and Recommendation, Judge Pohorelsky recommended dismissing Perdum's claims against Pathmark, lifting the stay, and continuing the action with respect to the other defendants. See ECF Docket # 18. The Report warned the parties that failure to respond would waive their right to appeal this Court's order adopting the Report and Recommendation. Neither side filed objections. Having reviewed the Report and Recommendation, the Court adopts it.

On May 11, 2012, Plaintiff filed a motion for summary judgment challenging a summons for trespassing issued by the NYPD. See ECF Docket # 19. The summons appears to be the

ORDER

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same summons at issue in plaintiff's April 12, 2012 motion to quash, which Judge Pohorelsky denied for lack of jurisdiction later that month. See ECF Docket # 14, 16. Likewise, this Court lacks jurisdiction to provide plaintiff his requested relief. Perdum's motion is therefore denied.

For the reasons stated above, plaintiff's claims against Pathmark are dismissed, the stay is lifted, and the action may be continued with respect to the remaining defendants.

SO ORDERED.

Dated: Brooklyn, New York
June 28 2012

s/ Judge Raymond J. Dearie


RAYMOND J. DEARIE
United States District Judge