

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ NOV 16 2017 ★
BROOKLYN OFFICE

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RAHIEM DAVIS,

Plaintiff,

-against-

THE CITY OF NEW YORK; POLICE OFFICER, JUNIOR J. WALTERS P.O. (SHIELD # 14810); POLICE OFFICER, WANDA GOWINS, P.O. (SHIELD # 02967); NEW YORK CITY TRANSIT AUTHORITY; THE METROPOLITAN TRANSIT AUTHORITY; MTA BUS COMPANY; and JANE DOE” AND “JOHN DOE,” 1 ‘through’ 8 inclusive, the names of the last defendants being fictitious, the true names of the defendants being unknown to the plaintiff,

NOT FOR PUBLICATION
ORDER

16-CV-4097 (CBA) (LB)

Defendants.

-----x
RAHIEM DAVIS,

Plaintiff,

-against-

THE CITY OF NEW YORK; POLICE OFFICER (ARRESTING OFFICER ID: 943937), NYC HOUSING AUTHORITY INTELLIGENCE UNIT, 69TH PRECINCT; and “JANE DOE” AND “JOHN DOE,” 1 through 8 are inclusive and the names of last Defendants being fictitious – the true names of the defendants being unknown to the plaintiff,

17-CV-3129 (CBA) (LB)

Defendants.

-----x
AMON, United States District Judge:

The Court has received the Report and Recommendation (“R&R”) of the Honorable Lois Bloom, United States Magistrate Judge (“Magistrate Judge Bloom”), for the instant actions filed by Plaintiff Rahiem Davis. In 16-CV-4097, the Court referred to Magistrate Judge Bloom a motion

to dismiss Plaintiff's Amended Complaint by Defendants New York City Transit Authority, The Metropolitan Transit Authority, and MTA Bus Company. (See 16-CV-4097 (CBA) (LB), D.E. # 7, 21, 47.) In an R&R dated August 24, 2017, Magistrate Judge Bloom recommended that the Court grant the motion and dismiss all claims against the three Defendants. Also in the R&R, Magistrate Judge Bloom recommended that, pursuant to 28 U.S.C. § 1915(e)(2), the Court dismiss sua sponte Plaintiff's action in 17-CV-3129 because the pleadings are duplicative of those in 16-CV-4097.

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt an R&R, the Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). To accept those portions of the R&R "to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quoting Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)).

Having reviewed Magistrate Judge Bloom's thorough and careful R&R and the records in both actions, the Court finds no clear error and adopts the R&R as the opinion of the Court. Accordingly, the Court GRANTS the motion to dismiss by Defendants New York City Transit Authority, The Metropolitan Transit Authority, and MTA Bus Company in 16-CV-4097, and the Court dismisses all claims against them.

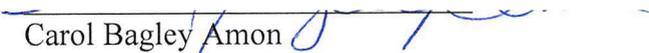
The Court also sua sponte dismisses as duplicative the Complaint in 17-CV-3129. In light of the dismissal, the Court DENIES as MOOT Plaintiff's motion for leave to proceed in forma pauperis in 17-CV-3129. (See 17-CV-3129 (CBA) (LB), D.E. # 2.) The Clerk of Court is directed to close 17-CV-3129.

Pursuant to 28 U.S.C. § 1915(a)(3), the Court DENIES in forma pauperis status for any appeal of this Order adopting Magistrate Judge Bloom's R&R, because the Court CERTIFIES that any such appeal would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: November 15, 2017
Brooklyn, New York

s/Carol Bagley Amon


Carol Bagley Amon
United States District Judge