UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORKX	
Stephen LoCurto,	
Plaintiff,	MEMORANDUM & ORDER
-against-	23-CV-00386 (DG) (SJB)
NYU Langone Lutheran Hospital,	
Defendant.	
DIANE GUJARATI, United States District Judge:	

On August 12, 2024, Magistrate Judge Sanket J. Bulsara issued a Report and Recommendation ("R&R") recommending that Defendant's Motion to Dismiss, ECF No. 29, be granted in full. See generally R&R, ECF No. 33. More specifically, Judge Bulsara recommended that pro se Plaintiff's federal claims be dismissed and that the Court decline to exercise supplemental jurisdiction over the remaining state law claims. See R&R at 10.1

Subsequent to the issuance of the R&R, Plaintiff filed various letters referencing the R&R, see ECF Nos. 34, 35, 39, 42, 44, and 45; Defendant filed a letter in which Defendant argues, inter alia, that Plaintiff has not properly objected to any portion of the R&R and that the R&R "should stand and does not necessitate de novo review," see ECF No. 47 at 2; and Plaintiff thereafter filed a letter in which he appears to request, *inter alia*, that the Court review the R&R de novo, see ECF No. 49 at 1.2

A district court "may accept, reject, or modify, in whole or in part, the findings or

¹ Familiarity with the procedural history and background of this action and of Case No. 23-CV-00387, which was brought by Plaintiff on the same day as the instant action, is assumed herein.

² Although Plaintiff filed the letter at ECF No. 49 after the deadline for filing objections to the R&R had passed, see generally docket, the Court nevertheless considers the letter in light of Plaintiff's pro se status.

recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); see also Fed. R. Civ. P. 72(b)(3). A district court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); see also Fed. R. Civ. P. 72(b)(3) (providing that a district court "must determine de novo any part of the magistrate judge's disposition that has been properly objected to"); Arista Recs., LLC v. Doe 3, 604 F.3d 110, 116 (2d Cir. 2010) ("As to a dispositive matter, any part of the magistrate judge's recommendation that has been properly objected to must be reviewed by the district judge de novo."); Lorick v. Kilpatrick Townsend & Stockton LLP, No. 18-CV-07178, 2022 WL 1104849, at *2 (E.D.N.Y. Apr. 13, 2022). To accept those portions of an R&R to which no timely objection has been made, however, "a district court need only satisfy itself that there is no clear error on the face of the record." Lorick, 2022 WL 1104849, at *2 (quoting Ruiz v. Citibank, N.A., No. 10-CV-05950, 2014 WL 4635575, at *2 (S.D.N.Y. Aug. 19, 2014)); see also Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011).

In light of Plaintiff's filings – which the Court construes liberally, *see Erickson v.*Pardus, 551 U.S. 89, 94 (2007) – and out of an abundance of caution, the Court reviews *de novo* the entirety of the R&R. A review of the R&R, the record, and the applicable law reveals that Judge Bulsara properly concluded that the Motion to Dismiss, ECF No. 29, should be granted in full. The Court adopts the R&R.

The Motion to Dismiss, ECF No. 29, is GRANTED and the Amended Complaint, ECF No. 28, is DISMISSED. Dismissal of Plaintiff's state law claims – over which the Court declines to exercise supplemental jurisdiction – is without prejudice.

Although Plaintiff paid the filing fee to commence this action, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good

faith and therefore denies *in forma pauperis* status for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter judgment, close this case, and mail a copy of this Order to Plaintiff.

SO ORDERED.

/s/ Diane Gujarati
DIANE GUJARATI
United States District Judge

Dated: November 25, 2024 Brooklyn, New York