

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JUSTIN ZAMANI,

Plaintiff,

ORDER

14-CV-5605 (MKB) (PK)

v.

NASSAU COUNTY and NASSAU COUNTY
SHERIFF'S DEPARTMENT,

Defendants.

MARGO K. BRODIE, United States District Judge:

Plaintiff Justin Zamani, proceeding *pro se*, commenced the above-captioned action on September 22, 2014 against Defendants Nassau County and Nassau County Sherriff's Department. (Compl., Docket Entry No. 1.) Plaintiff asserts claims pursuant to 42 U.S.C. § 1983 alleging that Defendants (1) denied him nightly congregate worship during Ramadan in violation of his First Amendment right to free exercise of religion, and (2) provided him meals consisting of spoiled food during the period of Ramadan in violation of his First Amendment Right to free exercise of religion, as well as his rights under the Eighth Amendment.¹ (*Id.*) Defendants moved for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure on October 3, 2018. (Def. Mot. for Summ. J. ("Def. Mot."), Docket Entry No. 59; Def. Mem. in Supp. of Def. Mot. ("Def. Mem."), Docket Entry No. 59-13.) By order dated

¹ Though Plaintiff does not refer to 42 U.S.C. § 1983 in the Complaint, the Court construes the Complaint liberally to allege claims arising under section 1983. *See Harris v. Mills*, 572 F.3d 66, 72 (2d Cir. 2009) (noting that after *Twombly*, the court "remain[s] obligated to construe a *pro se* complaint liberally").

March 8, 2019,² the Court referred Defendants' motion to Magistrate Judge Peggy Kuo for a report and recommendation. (Order dated Mar. 8, 2019.)

By report and recommendation dated August 29, 2019 (the "R&R"), Judge Kuo recommended that the Court grant Defendants' motion for summary judgment as to (1) all claims against Nassau County Sheriff's Department; (2) Plaintiff's First Amendment claim regarding denial of nightly congregational worship during Ramadan; and (3) Plaintiff's Eighth Amendment claim related to the meals served to him during Ramadan. (R&R 18.) Judge Kuo also recommended that the Court deny Defendants' motion as to Plaintiff's First Amendment claim related to the meals served to him during Ramadan. (*Id.*)

No party has objected to the R&R.

A district court reviewing a magistrate judge's recommended ruling "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)(C). When a party submits a timely objection to a report and recommendation, the district court reviews *de novo* the parts of the report and recommendation to which the party objected. *Id.*; *see also United States v. Romano*, 794 F.3d 317, 340 (2d Cir. 2015). The district court may adopt those portions of the recommended ruling to which no timely objections have been made, provided no clear error is apparent from the face of the record. *John Hancock Life Ins. Co. v. Neuman*, No. 15-CV-1358, 2015 WL 7459920, at *1 (E.D.N.Y. Nov. 24, 2015). The clear error standard also applies when a party makes only conclusory or general objections. *Benitez v. Parmer*, 654 F. App'x 502, 503–04 (2d Cir. 2016) (holding that "general objection[s] [are] insufficient to obtain *de novo* review by [a] district court" (citations omitted)); *see Fed. R. Civ. P. 72(b)(2)* ("[A] party may serve and file specific

² The case was reassigned to the undersigned on March 8, 2019.

written objections to the [magistrate judge’s] proposed findings and recommendations.” (emphasis added)); *see also Colvin v. Berryhill*, 734 F. App’x 756, 758 (2d Cir. 2018) (“Merely referring the court to previously filed papers or arguments does not constitute an adequate objection under . . . Fed. R. Civ. P. 72(b).” (quoting *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002))).

The Court has reviewed the unopposed R&R for clear error. Finding no clear error, the Court adopts the R&R in its entirety pursuant to 28 U.S.C. § 636(b)(1) and grants in part and denies in part Defendants’ motion for summary judgment. The Court grants Defendants’ motion for summary judgment as to (1) all claims against Nassau County Sherriff’s Department; (2) Plaintiff’s First Amendment claim regarding denial of nightly congregate worship during Ramadan; and (3) Plaintiff’s Eighth Amendment claim related to the meals served to him during Ramadan. The Court denies Defendants’ motion for summary judgment as to Plaintiff’s First Amendment claim related to the meals served to him during Ramadan.

Dated: September 23, 2019
Brooklyn, New York

SO ORDERED:

s/ MKB
MARGO K. BRODIE
United States District Judge