

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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For Online Publication Only

VLADISLAV BABIN,

Plaintiff,

-against-

**MEMORANDUM AND ORDER**

20-CV-2702 (JMA)(SIL)

DEPARTMENT OF THE TREASURY,

Defendant.

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**AZRACK, United States District Judge:**

Plaintiff Vladislav Babin (“Plaintiff”), proceeding *pro se*, commenced this employment discrimination action against the United States Department of the Treasury (“Defendant” or “Department”) pursuant to 5 U.S.C. § 7703(b)(2): (1) seeking review of the Merit Systems Protection Board’s decision affirming the Department’s decision to remove him from federal employment as a bank examiner; and (2) alleging causes of action for disability discrimination and retaliation. (ECF No. 12.) Plaintiff filed an amended complaint on August 21, 2020 (ECF No. 11) and a second amended complaint on August 26, 2020 (ECF No. 12, “Second Amended Complaint). Defendant filed a motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c). (ECF No. 28.)

On October 15, 2021, the Court referred the motion for judgment on the pleadings to Magistrate Judge Steven I. Locke for a Report and Recommendation (“R&R”). (Electronic Order, 10/15/2021.) Judge Locke issued an R&R dated December 9, 2021, which recommends that Defendant’s motion for judgment on the pleadings be granted in its entirety and that the Second Amended Complaint be dismissed with prejudice and without leave to replead. (ECF No. 36.) Plaintiff filed a timely objection to the R&R, to which Defendants filed a response in opposition. (ECF Nos. 38, 39.) After conducting a review of the full record (including the motion papers,

R&R, and objections,) and applicable law, the Court adopts Judge Locke’s R&R in its entirety as the opinion of the Court.

In reviewing a magistrate judge’s report and recommendation, a court must “make a de novo determination of those portions of the report or . . . recommendations to which objection[s] [are] made.” 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 5-CV-5579, 2006 WL 3851152, at \*2 (S.D.N.Y. Dec. 29, 2006). 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)(C). Those portions of a report and recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008). The Court finds no clear error in the portions of Judge Locke’s R&R to which there are no specific objections.

Regarding Plaintiff’s objections to portions of the R&R, the Court has undertaken a de novo review of the record (including the R&R, the objections, and the opposition). Having considered the full record, the Court denies those objections for the reasons articulated in Judge Locke’s R&R.

Based on the foregoing, the Court adopts Judge Locke’s well-reasoned R&R in its entirety as the opinion of this Court. Accordingly, Defendant’s motion for judgment on the pleadings is **GRANTED**, and the Second Amended Complaint is dismissed with prejudice and without leave to replead. The Clerk of the Court is respectfully directed to close this case and mail a copy of this Order to the pro se Plaintiff.

**SO ORDERED.**

Dated: January 6, 2022  
Central Islip, New York

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/s/ (JMA)  
JOAN M. AZRACK  
UNITED STATES DISTRICT JUDGE