

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**DEBORAH L. DAVIES and
KAREN GAHTHAM,**

Plaintiffs,

**No. 1:09-cv-559
(GLS/DRH)**

v.

**ULSTER COUNTY DEPARTMENT
OF SOCIAL SERVICES,**

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFFS:

Deborah L. Davies
Pro Se
260 Clinton Avenue
Kingston, NY 12401

Karen Gahtham
Pro Se
260 Clinton Avenue
Kingston, NY 12401

FOR DEFENDANTS:

Maynard, O'Connor Law Firm
Route 9W
P.O. Box 180
Saugerties, NY 12477

MICHAEL E. CATALINOTTO, JR.,
ESQ.

**Gary L. Sharpe
District Court Judge**

MEMORANDUM-DECISION AND ORDER

I. Introduction

The above-captioned matter comes to this court following a Report-Recommendation and Order (R&R) by Magistrate Judge David R. Homer, filed June 24, 2009. (Dkt. No. 16.) The R&R¹ recommended that the action be remanded to Ulster County Family Court and terminated in this court. Pending are Davies and Gahtham's objections to the R&R. (Dkt. No. 19.) For the reasons that follow, the R&R is adopted in its entirety.

II. Background

Familiarity with the facts underlying Judge Homer's R&R are presumed and will not be repeated here. For a recitation of those facts, the parties are referred to the R&R. (Dkt. No. 16.)

III. Discussion

Before entering final judgment, this court routinely reviews all report-recommendations in cases it has referred to a magistrate judge. If a party has objected to specific elements of the magistrate judge's findings and recommendations, this court reviews those findings and recommendations

¹ The Clerk is directed to append the R&R to this decision, and familiarity therewith is presumed.

de novo. See *Almonte v. N.Y. State Div. of Parole*, No. 04-cv-484, 2006 WL 149049, at *6-7 (N.D.N.Y. Jan. 18, 2006). In cases where no party has filed an objection, or only a vague or general objection has been filed, this court reviews the magistrate judge's findings and recommendations for clear error. See *id.*

Because Davies and Gahtham object only generally to the R&R, the court will review the R&R for clear error. Upon review for clear error, the court finds no error and, for the reasons articulated in the R&R and defendant's response, (see Dkt. No. 21.), the R&R is adopted in its entirety.

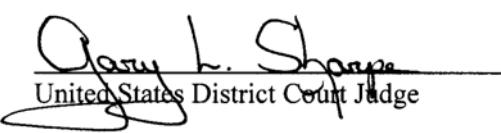
WHEREFORE, for the foregoing reasons, it is hereby
ORDERED that Magistrate Judge Homer's June 24, 2009 Report-Recommendation and Order is adopted in its entirety; and it is further

ORDERED that the action be remanded to the Ulster County Family Court; and it is further

ORDERED that the Clerk close this case; and it is further
ORDERED that the Clerk provide copies of this Memorandum-Decision and Order to the parties.

IT IS SO ORDERED.

Albany, New York
November 24, 2009



United States District Court Judge