

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MICHELLE A LeBARRON,

Plaintiff,

v.

1:13-CV-1572  
(GTS/CFH)

WARREN COUNTY SHERIFF'S OFFICE;  
NATHAN H. YORK; JAMES A. LAFARR; and  
MARLO BARBOZA,

Defendants.

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APPEARANCES:

MICHELLE A. LeBARRON  
Plaintiff, *Pro Se*  
P.O. Box 1486  
5 Mast Court  
Berlin, Maryland 21811

LEMIRE, JOHNSON & HIGGINS, LLC  
Counsel for Defendants  
P.O. Box 2485  
2534 Route 9  
Malta, New York 12020

GLENN T. SUDDABY, Chief United States District Judge

OF COUNSEL:

GREGG T. JOHNSON, ESQ.  
BRADLEY J. STEVENS, ESQ.

Currently before the Court, in this *pro se* employment discrimination action filed by Michele LeBarron ("Plaintiff") against the Warren County Sheriff's Office and three of its employees ("Defendants") arising from Plaintiff's termination as a corrections officer in July 2011, are the following: (1) Defendants' motion to dismiss Plaintiff's Complaint for failure to prosecute and/or comply with a Court Order pursuant to Fed. R. Civ. P. 41(b) and/or as a sanction for failure to appear at her deposition and failure to comply with a Court Order pursuant

Fed. R. Civ. P. 37(b),(d); and (2) United States Magistrate Judge Christian F. Hummel’s Report-Recommendation recommending that Defendants’ motion be granted. (Dkt. Nos. 46, 53.) None of the parties have filed objections to the Report-Recommendation, and the deadline by which to do so has expired. (*See generally* Docket Sheet.) After carefully reviewing the relevant papers herein, including Magistrate Judge Hummel’s thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.<sup>1</sup> Magistrate Judge Hummel employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein, Defendants’ motion is granted, and Plaintiff’s Complaint is dismissed in its entirety.

**ACCORDINGLY**, it is

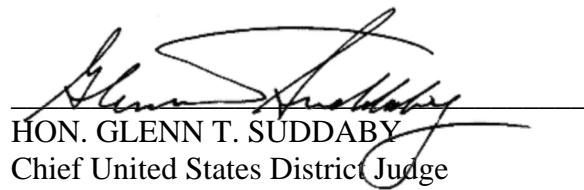
**ORDERED** that Magistrate Judge Hummel’s Report-Recommendation (Dkt. No. 57) is ACCEPTED and ADOPTED in its entirety; and it is further  
**ORDERED** that Defendants’ motion to dismiss (Dkt. No. 50) is GRANTED; and it is further  
**ORDERED** that Plaintiff’s Complaint (Dkt. No. 1) is DISMISSED in its entirety; and it is further

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<sup>1</sup> When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a “clear error” review, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Id.*; *see also Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at \*1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) (“I am permitted to adopt those sections of [a magistrate judge’s] report to which no specific objection is made, so long as those sections are not facially erroneous.”) (internal quotation marks omitted).

**ORDERED** that the Clerk of the Court shall enter Judgment for Defendants and close this action.

Dated: May 6, 2016  
Syracuse, New York



HON. GLENN T. SUDDABY  
Chief United States District Judge