

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DUJON MANLEY,

Plaintiff,

-v-

1:16-CV-796 (NAM/CFH)

**CHAMPLAIN STONE, LTD.; JOHN DOE #1;
JOHN DOE #2; JANE DOE #1; JANE DOE #2,**

Defendants.

APPEARANCES:

DUJON MANLEY
c/o Elizabeth Manley
49 Safford Road
Argyle, New York 12809
Plaintiff, *pro se*

Hon. Norman A. Mordue, Senior U.S. District Judge:

MEMORANDUM-DECISION AND ORDER

United States Magistrate Judge Christian F. Hummell has issued a Report and Recommendation (Dkt. No. 14) recommending that plaintiff’s amended complaint (Dkt. No. 9) be dismissed with prejudice. Plaintiff has not submitted an objection. Where, as here, there is no objection to a Report and Recommendation, the Court reviews for clear error. *See, e.g., Lin v. City of N.Y.*, 2016 WL 6962536, at *3 (S.D.N.Y. Nov. 28, 2016). The Court has reviewed the record, particularly the amended complaint, and finds no error. The Court agrees with Magistrate Judge Hummel’s discussion of *Juarez v. Northwestern Mut. Life Ins. Co.*, 69 F. Supp. 3d 364, 373 (S.D.N.Y. 2014), notably the distinction he draws between the claim of the plaintiff in *Juarez*, where the plaintiff alleges he was legally authorized to work in the United States, and the federal claim in the instant case, where plaintiff makes no such allegation, but rather alleges he was fired

N

V

M

because his visa does not allow him to work in the United States. Plaintiff's federal claims are dismissed with prejudice. The Court declines to exercise supplemental jurisdiction over plaintiff's state law claims, and dismisses them without prejudice to refile in state court.

It is therefore

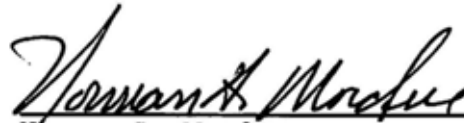
ORDERED that the Report and Recommendation (Dkt. No. 14) is accepted; and it is further

ORDERED that all federal claims in the amended complaint (Dkt. No. 9) are dismissed with prejudice, and the state law claims are dismissed without prejudice to refile in state court; and it is further

ORDERED that the Clerk of the Court is directed to serve this Memorandum-Decision and Order by regular mail to Dujon Manley, 206-471-587, Buffalo Federal Detention Facility, 420 Federal Drive, Batavia, New York 14020; and by regular mail and certified mail, return receipt requested, to Dujon Manley, c/o Elizabeth Manley, 49 Safford Road, Argyle, New York 12809.

IT IS SO ORDERED.

Date: August 9, 2017
Syracuse, New York


Norman A. Mordue
Senior U.S. District Judge