

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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KYRA MOSS,

Plaintiff,

1:16-CV-0839  
(GTS/DJS)

v.

CATHOLIC CHARITIES, USA; SISTER DONNA  
MARKHAM, OP, PhD, President and CEO of  
Catholic Charities,

Defendants.

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APPEARANCES:

KYRA MOSS

Plaintiff, *Pro Se*  
12 Saint Joseph Terrace  
Albany, New York 12210

GLENN T. SUDDABY, Chief United States District Judge

**DECISION and ORDER**

Currently before the Court, in this *pro se* civil rights action filed by Kyra Moss (“Plaintiff”) against the above-captioned entity and individual (“Defendants”), is United States Magistrate Judge Daniel J. Stewart’s Report-Recommendation *sua sponte* recommending that Plaintiff’s Complaint be dismissed in its entirety unless Plaintiff files an Amended Complaint correcting the pleading defects in her Complaint. (Dkt. No. 5.) Plaintiff has not filed an Objection 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 Stewart’s thorough Report-Recommendation, the Court can find no clear-error

in the Report-Recommendation.<sup>1</sup> Magistrate Judge Stewart 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.

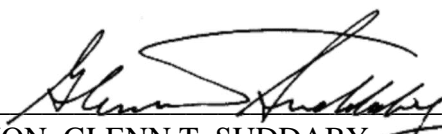
**ACCORDINGLY**, it is

**ORDERED** that Magistrate Judge Stewart's Report-Recommendation (Dkt. No. 5) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

**ORDERED** that Plaintiff's Complaint (Dkt. No. 1) shall be **DISMISSED** in its entirety, without further notice of the Court, unless, within **THIRTY (30) DAYS** of the date of this Decision and Order, Plaintiff files an Amended Complaint that corrects the pleading defects identified in the Report-Recommendation; and it is further

**ORDERED** that, should Plaintiff file an Amended Complaint, it shall be referred to Magistrate Judge Stewart for his review.

Dated: October 7, 2016  
Syracuse, New York

  
HON. GLENN T. SUDDABY  
Chief United States District Judge

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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).