

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LYUBOV YEFIMOVA,

Plaintiff,

v.

1:17-CV-0730
(GTS/DJS)

TRUSTCO BANK,

Defendant.

APPEARANCES:

LYUBOV YEFIMOVA

Plaintiff, *Pro Se*

Apt. E1L

Albany, New York 12207

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by Lyubov Yefimova (“Plaintiff”) against Trustco Bank (“Defendant”), are (1) United States Magistrate Judge Daniel J. Stewart’s Report-Recommendation recommending that (a) Plaintiff’s Complaint be *sua sponte* dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i),(ii), and (b) Plaintiff be permanently enjoined from filing any other cases in this District without prior leave of the Chief District Judge (after he is permitted a reasonable opportunity to show cause why such an injunction should not be issued), and (2) Plaintiff’s Objection to the Report-Recommendation. (Dkt. Nos. 5, 6.) Even when construed with the utmost of special leniency, Plaintiff’s Objection fails to assert a specific challenge to any portion of the Report-Recommendation. (*Id.*) As a result, the Court reviews

the Report-Recommendation for only clear error.¹ Based upon a careful review of this matter, the Court can find no clear error in the Report-Recommendation: Magistrate Judge Stewart employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Court accepts and adopts the Report-Recommendation for the reasons stated therein. (Dkt. No. 5.)²

ACCORDINGLY, it is

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

ORDERED that Plaintiff's Complaint (Dkt. No. 1) is *sua sponte* **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(i),(ii); and it is further

ORDERED that Plaintiff shall, within **FOURTEEN (14) DAYS** of the date of this Decision and Order, **SHOW CAUSE** in writing why he should not be permanently enjoined from filing any future pleadings or documents of any kind (including motions) in this District *pro se* without prior leave of the Chief Judge or his or her designee (except pleadings or documents in a case that is open at the time of the issuance of the Court's Pre-Filing Order, until that case is closed); and it is further

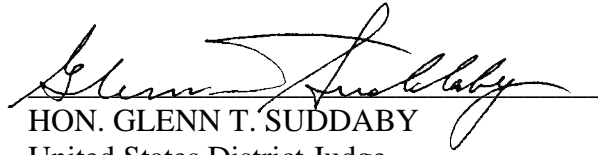
ORDERED that, if Plaintiff does not fully comply with this Decision and Order, the Court will issue a subsequent order, without further explanation, permanently so enjoining him; and it is further

¹ When only a general objection is made to a magistrate judge's report-recommendation, the Court subjects that report-recommendation to only a *clear error* review. Fed. R. Civ. P. 72(b)(2),(3); Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition; *see also Brown v. Peters*, 95-CV-1641, 1997 WL 599355, at *2-3 (N.D.N.Y. Sept. 22, 1997) (Pooler, J.) [collecting cases], *aff'd without opinion*, 175 F.3d 1007 (2d Cir. 1999).

² The Court notes that Magistrate Judge Stewart's Report-Recommendation would survive even a *de novo* review.

ORDERED that the Clerk shall serve a copy of this Decision and Order on Plaintiff by certified mail.

Dated: September 18, 2017
Syracuse, New York



HON. GLENN T. SUDDABY
United States District Judge