

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

AGNES GEORGES,

Plaintiff,

1:17-CV-1243
(GTS/CFH)

v.

JOEL HATSER, Advisor Lawyer;
JOSEPH CIAVANITTI, U.S. Attorney Lawyer; and
KURT BRATTEN BRIAN, Bar Association
518-445-7691

Defendants.

APPEARANCES:

AGNES GEORGES

Plaintiff, *Pro Se*

12 St. Joseph's Terrace
Albany, New York 12210

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER OF DISMISSAL
and ORDER TO SHOW CAUSE

Currently before the Court, in this *pro se* civil rights action filed by Agnes Georges (“Plaintiff”) against the three above-captioned individuals (“Defendants”), is United States Magistrate Judge Christian F. Hummel’s Report-Recommendation recommending that Plaintiff’s Complaint be *sua sponte* dismissed with prejudice for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915(e)(2)(B), and that the Court issue a Pre-Filing Order permanently enjoining Plaintiff from making any future filings in this District *pro se* without first obtaining permission from the Chief District Judge. (Dkt. No. 5.) Plaintiff has not filed an Objection to the Report-Recommendation, and the deadline in which to do so has expired. (*See generally* Docket Sheet.)

Based upon a careful review of this matter, the Court can find no clear error¹ in the Report-Recommendation: Magistrate Judge Hummel 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, Plaintiff's Complaint is *sua sponte* dismissed with prejudice, and Plaintiff is directed to show cause why she should not be permanently enjoined from making any future filings in this District *pro se* without obtaining prior leave of the Chief District Judge or his or her designee.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Hummel'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) is *sua sponte* **DISMISSED with prejudice** for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915(e)(2)(B); 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 she should not be permanently **ENJOINED** from filing any future pleadings or documents of any kind (including motions) in this District without first seeking and obtaining permission of the Chief District Judge or his or her designee (except pleadings or documents in a case that is open at the time of the issuance of

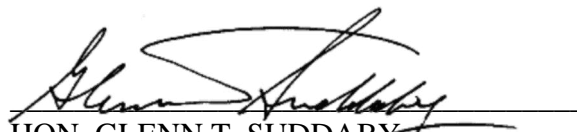
¹ When, as here, no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is 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 and citations omitted).

the Court's Pre-Filing Order until that case is closed). The Clerk of the Court is directed to open a new pre-filing case number 9:18-pf-3 and file a copy of this Decision and Order in that pre-filing case. Plaintiff's response to this Order to Show Cause shall be filed in case number 9:18-pf-3; 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 Plaintiff; and it is further

ORDERED that the Clerk shall provide a copy of this Order to Show Cause to Plaintiff by certified mail.

Dated: February 9, 2018
Syracuse, New York


HON. GLENN T. SUDDABY
Chief United States District Judge