

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SHAAKIMA SMITH,

Plaintiff,

-v-

1:19-CV-112  
(DNH/CFH)

NYS OFFICE OF TEMPORARY AND  
DISABILITY ASSISTANCE,

Defendant.  
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APPEARANCES:

SHAAKIMA SMITH  
Plaintiff pro se  
1455 Dorwaldt Boulevard, #B9A7  
Schenectady, NY 12308

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Pro se plaintiff Shaakima Smith brought this civil action pursuant to the Americans with Disabilities Act. On April 29, 2019, the Honorable Christian F. Hummel, United States Magistrate Judge, advised by Report-Recommendation that plaintiff's reasonable accommodation claim pursuant to Title I of the Americans with Disabilities Act be dismissed with prejudice but that she be provided an opportunity to amend her complaint should she wish to attempt to set forth a reasonable accommodation claim under Section 504 of the Rehabilitation Act. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

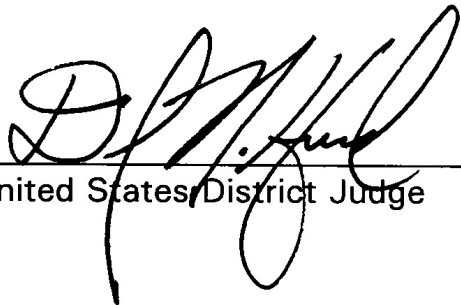
1. Plaintiff's reasonable accommodation claim pursuant to Title I of the Americans with Disabilities Act is DISMISSED WITH PREJUDICE;

2. Plaintiff is provided thirty (30) days from the date of this Decision and Order to file an amended complaint that cures the defects identified in the Report-Recommendation;

3. If plaintiff files a timely amended complaint, it be forwarded to the Magistrate Judge for review; and

4. If plaintiff fails to file an amended complaint within thirty (30) days of the date of this Decision and Order, the complaint will be dismissed with prejudice and without further order.

IT IS SO ORDERED.



United States District Judge

Dated: July 31, 2019  
Utica, New York.