

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**ELVIN GENAO,**

**Plaintiff,**

**vs.**

**1:19-CV-1037  
(TJM/DJS)**

**10<sup>th</sup> PRECINCT,**

**Defendant.**

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**Thomas J. McAvoy,  
Sr. U.S. District Judge**

**DECISION & ORDER**

The Court referred this *pro se* civil action to Magistrate Judge Daniel J. Stewart for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

Plaintiff names as Defendant the 10<sup>th</sup> Precinct of the New York City Police Department and lists a number of tort and criminal claims, but does not offer any factual basis for them. Plaintiff also fails to explain the involvement of the sole Defendant, a Police Precinct.

Magistrate Judge Stewart's Report-Recommendation, dkt. # 6, issued on November 5, 2019, provided Plaintiffs' Complaint, filed *pro se* along with a motion to proceed *in forma pauperis*, an initial review pursuant to 28 U.S.C. §§ 1915(e) and 1915A. Magistrate Judge Stewart finds that Plaintiff has failed to state a claim upon which relief may be granted and that venue in this District is improper, since the District does not include any part of New

York City. Magistrate Judge Stewart recommends that the Complaint be dismissed with prejudice.

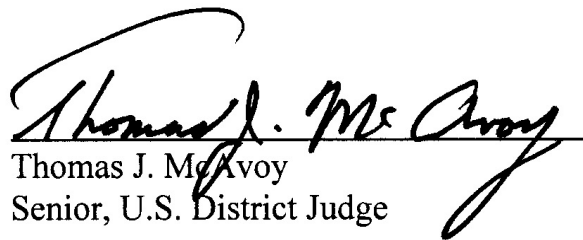
Plaintiff did not object to the Report-Recommendation, and the time for such objections has passed. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice and the Court will accept and adopt the Report-Recommendation for the reasons stated therein.

Accordingly,

The Report-Recommendation of Magistrate Judge Stewart, dkt. # 6, is hereby **ACCEPTED** and **ADOPTED**. Plaintiff's Complaint is hereby **DISMISSED WITH PREJUDICE**. The Clerk of Court is directed to close the case.

**IT IS SO ORDERED.**

**Dated:** December 5, 2019

  
Thomas J. McAvoy  
Senior, U.S. District Judge