

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANN KHANNA,

Plaintiff,

-against-

1:20-CV-1428 (LEK/TWD)

DERIK ROY, et al.,

Defendants.

DECISION AND ORDER

I. INTRODUCTION

Plaintiff Ann Khanna commenced this pro se action on November 20, 2020, pursuant to 42 U.S.C. § 1983 and 18 U.S.C. § 1962 alleging violation of her constitutional rights by various private and government actors as well as a cross-border civil conspiracy to injure her state and federal rights. Dkt. No. 1 (“Complaint”). On November 24, 2021, Plaintiff amended her Complaint. Dkt. No. 31 (“Amended Complaint”).

Now before the Court is a Report-Recommendation prepared by the Honorable Thérèse W. Dancks after initial review of the Amended Complaint pursuant to 28 U.S.C. § 1915(e)(2)(B), recommending the Amended Complaint be dismissed. Dkt. No. 34 (“Report-Recommendation”). For the reasons that follow, the Court approves and adopts the Report-Recommendation.

II. BACKGROUND

A. Factual Allegations

Petitioner’s factual allegations are detailed in the Report-Recommendation, familiarity with which is assumed. See R. & R. at 3.

B. The Report-Recommendation

After review of the facts and claims asserted by Plaintiff, Judge Dancks found that the Amended Complaint fails to state a claim regarding two of the three causes of action, and that there is no independent basis for the Court to exercise jurisdiction over the remaining cause of action. See id. at 4–7. Judge Dancks thus recommended that Plaintiff’s Amended Complaint be dismissed with prejudice because even a liberal reading does not “give[] any indication that a valid claim might be stated.” Id. at 7 (citing Branum v. Clark, 927 F.2d 698, 704-05 (2d Cir. 1991)).

III. STANDARD OF REVIEW

Within fourteen days after a party has been served with a copy of a magistrate judge’s report-recommendation, the party “may serve and file specific, written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b); L.R. 72.1(c). If objections are timely filed, a court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). However, if no objections are made, or if an objection is general, conclusory, perfunctory, or a mere reiteration of an argument made to the magistrate judge, a district court need review that aspect of a report-recommendation only for clear error. Barnes v. Prack, No. 11-CV-857, 2013 WL 1121353, at *1 (N.D.N.Y. Mar. 18, 2013); Farid v. Bouey, 554 F. Supp. 2d 301, 306–07 (N.D.N.Y. 2008), abrogated on other grounds by Widomski v. State Univ. of N.Y. at Orange, 748 F.3d 471 (2d Cir. 2014); see also Machicote v. Ercole, No. 06-CV-13320, 2011 WL 3809920, at *2 (S.D.N.Y. Aug. 25, 2011) (“[E]ven a pro se party’s objections to a Report and Recommendation must be specific and clearly aimed at particular findings in the magistrate’s proposal . . .”). “A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” § 636(b).

IV. DISCUSSION

Plaintiff did not file objections to the Report-Recommendation. See Docket.

Consequently, the Court reviews the Report-Recommendation for clear error and finds none.

Therefore, the Court adopts the Report-Recommendation in its entirety.

V. CONCLUSION

Accordingly, it is hereby:

ORDERED, that the Report-Recommendation (Dkt. No. 84) is **APPROVED and ADOPTED** in its entirety; and it is further

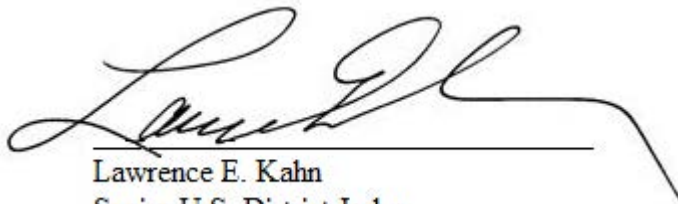
ORDERED, that Plaintiffs Second Amended Complaint is **DISMISSED with prejudice**; and it is further

ORDERED, that the Clerk close this action; and it is further

ORDERED, that the Clerk serve a copy of this Decision and Order on all parties in accordance with the Local Rules.

IT IS SO ORDERED.

DATED: January 11, 2022
Albany, New York



Lawrence E. Kahn
Senior U.S. District Judge