UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ALEXIS FIGUEREO,

Plaintiff,

v. 1:24-CV-0556 (GTS/DJS)

MARCUS FELTON, Police Officer;
GRIFFIN CLARK, Albany Police Officer;
ALAN WOJEWODZIC, Sergeant;
ROBERT LAWYER, Detective;
PJ O'DONOVAN, Detective;
THE CITY OF ALBANY; and
JOHN DOES OFFICERS, Albany Police Dept.,

Defendants.

APPEARANCES:

ALEXIS FIGUEROA
Plaintiff, *Pro Se*
60 Henry Street
Saratoga Springs, New York 12866

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by Alexis Figueroa ("Plaintiff") against the City of Albany and certain employees of the Albany Police Department ("Defendants"), is United States Magistrate Judge Daniel J. Stewart's Report-Recommendation recommending that Plaintiff's Complaint be *sua sponte* dismissed with leave to amend pursuant to 28 U.S.C. § 1915(e)(2)(B). (Dkt. No. 5.) Plaintiff has not filed an Objection to the Report-Recommendation and the time in which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Judge Stewart's

thorough Report-Recommendation, the Court can find no clear error in the Report-Recommendation:[1] Magistrate Judge Stewart employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons stated therein.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Stewart'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) shall be **DISMISSED** with prejudice and without further Order of this Court **UNLESS**, within **THIRTY (30) DAYS** of entry of this Decision and Order, Plaintiff files an **AMENDED COMPLAINT** that cures the pleading defects identified in the Report-Recommendation; and it is further

ORDERED that, should Plaintiff wish to file an Amended Complaint in this matter, the Amended Complaint must be a complete pleading which will supercede and replace his original Complaint in all respects; and it is further

ORDERED that, should Plaintiff file a timely Amended Complaint, the Amended Complaint shall be returned to Magistrate Judge Stewart for further review pursuant to 28 U.S.C. § 1915.

---

[1] When 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 omitted).

Dated: August 28, 2024
Syracuse, New York

Glenn T. Suddaby
U.S. District Judge