

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LUTFALLAH T. SAWABINI,

Plaintiff,

-against-

3:15-cv-0692 (LEK/DEP)

O'CONNOR HOSPITAL, *et al.*,

Defendants.

ORDER

This matter comes before the Court following a Report-Recommendation filed on August 31, 2015, by the Honorable David E. Peebles, U.S. Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3. Dkt. No. 6 (“Report-Recommendation”).

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 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-0857, 2013 WL 1121353, at *1 (N.D.N.Y. Mar. 18, 2013); *Farid v. Bouey*, 554 F. Supp. 2d 301, 306-07 & 306 n.2 (N.D.N.Y. 2008); see also *Machicote v. Ercole*, No. 06 Civ. 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, such that no party be allowed a second bite at the apple by simply relitigating a prior argument.”). “A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C.

§ 636(b).

No objections were filed in the allotted time period.¹ See Docket. Accordingly, the Court has reviewed the Report-Recommendation for clear error and has found none.

Accordingly, it is hereby:

ORDERED, that the Report-Recommendation (Dkt. No. 6) is **APPROVED and ADOPTED in its entirety**; and it is further


ORDERED, that the Complaint (Dkt. No. 1) is **DISMISSED without prejudice** for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii); and it is further

ORDERED, that the Clerk of the Court forward the Amended Complaint (Dkt. No. 7) and the Supplemental Amended Complaint (Dkt. No. 8) to U.S. Magistrate Judge David E. Peebles for initial review; and it is further

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

IT IS SO ORDERED.

DATED: October 06, 2015
 Albany, NY


Lawrence E. Kahn
U.S. District Judge

¹ It should be noted that Plaintiff filed a proposed Amended Complaint on September 21, 2015 in response to the Report-Recommendation as well as a Supplemental Amended Complaint on September 28, 2015. Dkt. Nos. 7; 8. With the adoption of the Report-Recommendation in full, the Court accepts the Amended Complaint as the operative pleading in this action.