

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ALESHA FULLER,

Plaintiff,

Civil Action No.
3:15-CV-1154 (TJM/DEP)

v.

SDH EDUCATION WEST, LLC, et al.,

Defendants.

THOMAS J. McAVOY
Senior United States District Judge

DECISION and ORDER

I. INTRODUCTION

This *pro se* employment action was referred to the Hon. David E. Peebles, United States Magistrate Judge, for initial review. In his November 19, 2015 Report, Recommendation and Order, Magistrate Judge Peebles: (1) granted plaintiff's In Forma Pauperis application; (2) denied with leave to renew plaintiff's motion for appointment of counsel; and (3) recommended that all claims against the individual defendants for violations of Title VII be dismissed with prejudice. Plaintiff did not file objections to the Report, Recommendation and Order [dkt. # 8], and the time to do so has expired.

II. DISCUSSION

After examining the record, this Court has determined that the Report, Recommendation and Order is not subject to attack for plain error or manifest injustice.

III. CONCLUSION

Accordingly, the Court **ADOPTS** the Report, Recommendation and Order [dkt. # 8] for the reasons stated therein. Thus, it is hereby

ORDERED that plaintiff's complaint is **accepted for filing, except** with respect to defendants Pawal Nowacki and William Shannon, and that plaintiff's claims against those two individual defendants are **DISMISSED with prejudice**; and it is further hereby

ORDERED that:

(1) The clerk of the court shall issue summonses and forward them with copies of the amended complaint to United States Marshal, along with packets containing General Order 25, which sets forth this district's Civil Case Management Plan, for service upon defendant SDH Education West, LLC;

(2) The clerk shall schedule a Rule 16 conference;

(3) Subsequent to service of process on defendant, defendant's counsel shall file a formal response to plaintiff's complaint as provided for in the Federal Rules of Civil Procedure.

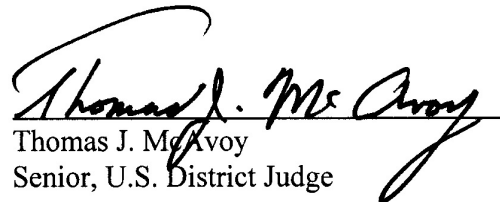
(4) All pleadings, motions and other documents relating to this action be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367. **Any paper sent by a party to the court or the clerk must be accompanied by a certificate showing that a true and correct copy of same was mailed to all opposing parties or their counsel. Any document received by the clerk or the court which does not include a certificate of service showing that a copy was served upon all opposing parties or their attorneys will be returned, without processing.** Plaintiff must comply with any requests by the clerk's office for any documents that are necessary to maintain this action. All parties must comply with Local Rule 7.1 of the Northern District of New York in filing motions, which must be returnable before the assigned district judge with proper allowance for notice as required by the Rules. **Plaintiff is also required to promptly notify the clerk's office and all parties or their**

counsel of any change in plaintiff's address; plaintiff's failure to do so will result in the dismissal of this action; and it is further

ORDERED that the clerk of the court shall serve a copy of this Decision and Order on plaintiff in accordance with the local rules.

IT IS SO ORDERED.

Dated: January 5, 2016


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