

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MICHAEL MESCEDA,

Plaintiff,

v.

1:18-CV-1040
(GTS/DEP)

JP MORGAN CHASE, through James Dimon as Pres.
and Chief Exec. Officer; BANK OF AMERICA,
through Brian T. Moynihan as Pres. and Chief Exec.
Officer; WELLS FARGO, through Timothy J. Sloan
as Pres. and Chief Exec. Officer; and CITIGROUP,
through Michael Corbet as Pres. and Chief Exec. Officer,

Defendants.

APPEARANCES:

MICHAEL MESCEDA

Plaintiff, *Pro Se*
3547 NY Route 79
Harpursville, New York 13787

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* action filed by Michael Mesceda (“Plaintiff”) against the above-captioned banking institutions (“Defendants”) asserting claims for mortgage fraud, is United States Magistrate Judge David E. Peebles’ Report-Recommendation recommending that Plaintiff’s Complaint be dismissed with leave to amend. (Dkt. No. 4.) Plaintiff has not filed an objection to the Report-Recommendation, and the deadline by which to do so has expired. (*See generally* Docket Sheet.) After carefully reviewing the relevant papers herein, including Magistrate Judge Peebles’ thorough Report-Recommendation, the Court can

find no clear-error in the Report-Recommendation.¹ Magistrate Judge Peebles 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 set forth therein.

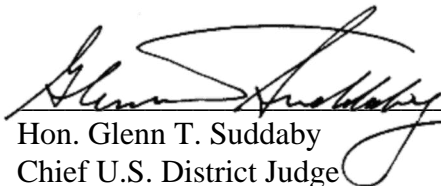
ACCORDINGLY, it is

ORDERED that Magistrate Judge Peebles' Report-Recommendation (Dkt. No. 4) 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 notice of the Court, unless, within **THIRTY (30) DAYS** of the date of this Decision and Order, Plaintiff files an Amended Complaint that corrects the pleading defects identified in the Report-Recommendation; and it is further

ORDERED that, in the event that Plaintiff timely files an Amended Complaint, it shall be referred to Magistrate Judge Peebles for his review. If Plaintiff decides to file such an Amended Complaint, Plaintiff is respectfully reminded to comply with the advice and directives contained on pages 10 and 11 of Magistrate Judge Peebles' Report-Recommendation

Dated: October 24, 2018
Syracuse, New York


Hon. Glenn T. Suddaby
Chief U.S. District Judge

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).