

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOSE A. MORILLO, JR.,

Plaintiff,

v.

5:17-CV-1125
(GTS/TWD)

TREXX,

Defendant.

APPEARANCES:

JOSE A. MORILLO, JR.

Plaintiff, *Pro Se*

814 West Belden Avenue

Syracuse, New York 13204

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by Jose A. Morillo, Jr. (“Plaintiff”), against Trexx (“Defendant”), is U.S. Magistrate Judge Thérèse Wiley Dancks Report-Recommendation recommending that Plaintiff’s Amended Complaint be dismissed for lack of subject-matter jurisdiction. (Dkt. No. 8.) Plaintiff has not filed an objection to the Report-Recommendation and the deadline in which to do so has expired. For the reasons set forth below, the Report-Recommendation is adopted in its entirety and Plaintiff’s Amended Complaint is dismissed.

When, as here, *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 and citations omitted).

Based upon a review of this matter, the Court can find no clear error in the Report-Recommendation: Magistrate Judge Dancks employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Court accepts and adopts the Report-Recommendation for the reasons stated therein. (Dkt. No. 8.)

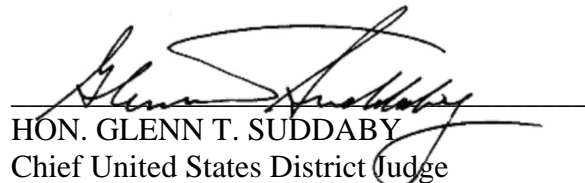
ACCORDINGLY, it is

ORDERED that Magistrate Judge Dancks’ Report-Recommendation (Dkt. No. 8) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff’s Amended Complaint (Dkt. No. 4) is **DISMISSED**; and it is further

ORDERED that the Court declines to exercise supplemental jurisdiction over any of Plaintiff’s state law claims, without prejudice, subject to refile in state court.

Dated: December 12, 2017
Syracuse, New York


HON. GLENN T. SUDDABY
Chief United States District Judge