

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ROBERT E. JOHNSON,

Plaintiff,

5:19-CV-1613
(DNH/CFH)

-v-

FRIDA'S BAKERY INC.; ROBERT POLLACK;
ROBERT DAYAN; and MARCO HERNANDEZ,

Defendants.

APPEARANCES:

ROBERT E. JOHNSON
Plaintiff pro se
19A0763
Cape Vincent Correctional Facility
Rte. 12E
PO Box 739
Cape Vincent, NY 13618

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Robert E. Johnson commenced this civil action on January 2, 2020, with the filing of a complaint. On April 17, 2020, the Honorable Christian F. Hummel, United States Magistrate Judge, advised by Report-Recommendation that plaintiff's claims be dismissed but that he be granted leave to amend as to one claim. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Plaintiff's Title VII claims against the individual defendants and all Section 1983 claims are DISMISSED WITH PREJUDICE and without opportunity to amend;

2. The complaint as asserted against individual defendants Hernandez, Dayan, and Pollack is DISMISSED WITH PREJUDICE and without opportunity to amend;

3. Plaintiff's state law claims are DISMISSED WITH PREJUDICE and without opportunity to amend;

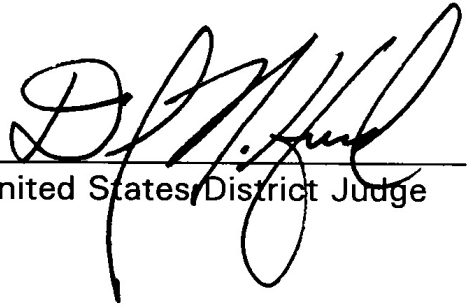
4. Plaintiff's Title VII claim asserted against Frida's Bakery Inc. is DISMISSED WITHOUT PREJUDICE and with opportunity to amend;

5. Plaintiff is provided an opportunity to amend his Title VII claim against Frida's Bakery Inc. within thirty (30) days of the date of this Decision and Order to correct the deficiencies identified in the Report-Recommendation;

6. If plaintiff timely files an amended complaint within thirty (30) days of the date of this Decision and Order, the file be forwarded to United States Magistrate Judge Hummel for further review; and

7. If plaintiff fails to file an amended complaint within thirty (30) days of the date of this Decision and Order, the complaint be dismissed in its entirety without further order.

IT IS SO ORDERED.



United States District Judge

Dated: May 14, 2020
Utica, New York.