

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WILLIE LINDER, JR., a/k/a Willie Linder,

Plaintiff,

v.

6:23-CV-1061
(GTS/TWD)

ONEIDA COUNTY DISTRICT ATTORNEY'S
OFFICE; SCOTT D. McNAMARA, District Atty.;
GRANT GARRAMONE, District Atty.;
TODD CARVILE, District Atty.,

Defendants.

APPEARANCES:

OF COUNSEL:

WILLIE LINDER, JR., 14325
Plaintiff, *Pro Se*
Oneida Correctional Facility
6075 Judd Road
Oriskany, New York 13424

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by Willie Linder, Jr. ("Plaintiff") against the Oneida County District Attorney's Office and District Attorneys Scott D. McNamara, Grant Garramone, and Todd Carville ("Defendants"), is United States Magistrate Judge Thérèse Wiley Dancks' Report-Recommendation recommending that Plaintiff's Complaint (Dkt. No. 1) be dismissed in its entirety and without leave to amend for failure to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(i)-(ii), 1915A(b)(1). (Dkt. No. 8.) Plaintiff has not filed an Objection to the Report-Recommendation, and the deadline by which to do so has expired. (*See generally* Docket Sheet.)

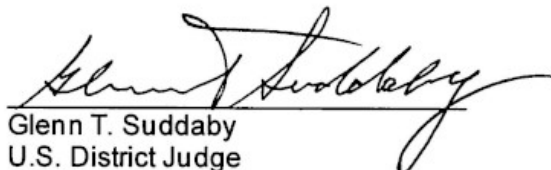
After carefully reviewing the relevant papers herein, including Magistrate Judge Dancks' thorough Report-Recommendation, the Court can find no clear error in the Report-Recommendation.¹ Magistrate Judge Dancks employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein, and Plaintiff's Complaint is dismissed in its entirety and without leave to amend for failure to state a claim pursuant to 28 U.S.C. § § 1915(e)(2)(B)(i)-(ii), 1915A(b)(1).

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 Complaint (Dkt. No. 1) is **DISMISSED** in its entirety **without leave to amend** pursuant to 28 U.S.C. § § 1915(e)(2)(B)(i)-(ii), 1915A(b)(1).

Dated: December 19, 2023
Syracuse, New York


Glenn T. Suddaby
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).