

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SHAKA D. WILLIAMS,

Plaintiff,

v.

8:17-CV-1138
(GTS/TWD)

JEROME J. RICHARDS, Judge;
JAMES J. MINDELL, Assis. Attorney General;
JOHN W. HALLETT, Attorney; and
ERIC T. SCHNEIDERMAN, Attorney General,

Defendants.

APPEARANCES:

SHAKA D. WILLIAMS

Plaintiff, *Pro Se*

Gouverneur Correctional Facility
Scotch Settlement Road
P.O. Box 480
Gouverneur, New York 13642

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by Shaka D. Williams (“Plaintiff”), against the four above-captioned individuals (“Defendants”), is U.S. Magistrate Judge Christian F. Hummel’s Report-Recommendation recommending that Plaintiff’s Complaint be *sua sponte* dismissed without prejudice for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B) and 26 U.S.C. § 1915A(b)(1), and that Plaintiff may refile this action only upon demonstrating that the underlying criminal indictment (or, if applicable, conviction) has been overturned or is otherwise invalidated. (Dkt. No. 9.) Plaintiff has not filed an Objection to the Report-Recommendation, and the deadline in which to do so has

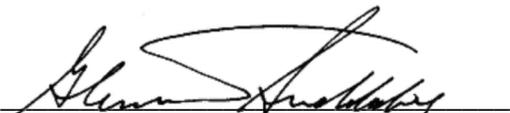
expired. (*See generally* Docket Sheet.) Based upon a careful review of this matter, the Court can find no clear error¹ in the Report-Recommendation: Magistrate Judge Hummel employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Court accepts and adopts the Report-Recommendation for the reasons stated therein. (Dkt. No. 9.)

ACCORDINGLY, it is

ORDERED that Magistrate Judge Hummel’s Report-Recommendation (Dkt. No. 9) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff’s Complaint (Dkt. No. 1) is *sua sponte* **DISMISSED** without **prejudice** for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B) and 26 U.S.C. § 1915A(b)(1), and that Plaintiff may refile this action only upon demonstrating that the underlying criminal indictment (or, if applicable, conviction) has been overturned or is otherwise invalidated.

Dated: February 9, 2018
Syracuse, New York


HON. GLENN T. SUDDABY
Chief United States District Judge

¹ 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).