

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SAIO BARZEE,

Plaintiff,

v.

8:21-CV-0902
(GTS/CFH)

KENNETH H. TYLER, A.D.A.; BONNIE A.
BUCCINA, Law Clerk; STEPHEN J. DOUGHERTY,
Onondaga County Court Judge,

Defendants.

APPEARANCES:

OF COUNSEL:

SAIO BARZEE, 13-B-1933
Plaintiff, *Pro Se*
Upstate Correctional Facility
P.O. Box 2001
Malone, New York 12953

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by Saio Barzee (“Plaintiff”) against Onondaga County Court Judge Stephen J. Dougherty, Law Clerk Bonnie A. Buccina, and Assistant District Attorney Kenneth H. Tyler (“Defendants”), is United States Magistrate Judge Christian F. Hummel’s Report-Recommendation recommending that Plaintiff’s Complaint against Defendants Dougherty and Buccina be dismissed with prejudice under the doctrine of absolute judicial immunity, and that his Complaint against Defendant Tyler be dismissed without prejudice under *Heck v. Humphrey*, 512 U.S. 477 (1994). (Dkt. No. 19.) 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 Hummel's thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.¹ Magistrate Judge Hummel 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 against Defendants Dougherty and Buccina is dismissed with prejudice, and Plaintiff's Complaint against Defendant Tyler is dismissed without prejudice.

ACCORDINGLY, it is

ORDERED that Magistrate Hummel's Report-Recommendation (Dkt. No. 19) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED**, such that

(1) his claims against Defendants Stephen J. Dougherty and Bonnie A. Buccina are **DISMISSED with prejudice**, and

(2) his remaining claims, against Defendant Kenneth H. Tyler, are **DISMISSED without prejudice**

The Court certifies that an appeal from this Decision and Order would not be taken in

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).

good faith.

Dated: June 9, 2022
Syracuse, New York


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