

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

NICHOLAS ZIMMERMAN,

Plaintiff,

-against-

9:15-CV-1437 (LEK/DEP)

T. TODD, Assistant Inspector General,  
*et al.*,

Defendants.

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**ORDER**

**I. INTRODUCTION**

This matter comes before the Court following a Report-Recommendation filed on August 30, 2018, by the Honorable David E. Peebles, U.S. Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3. Dkt. No. 76 (“Report-Recommendation”).

**II. LEGAL STANDARD**

Within fourteen days after a party has been served with a copy of a magistrate judge’s report-recommendation, the party “may serve and file specific, written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b); L.R. 72.1(c). If objections are timely filed, a court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” § 636(b).

However, if no objections are made, or if an objection is general, conclusory, perfunctory, or a mere reiteration of an argument made to the magistrate judge, a district court need review that aspect of a report-recommendation only for clear error. *Barnes v. Prack*, No. 11-CV-857, 2013 WL 1121353, at \*1 (N.D.N.Y. Mar. 18, 2013); *Farid v. Bouey*, 554 F. Supp. 2d 301,

306–07, 306 n.2 (N.D.N.Y. 2008), abrogated on other grounds by *Widomski v. State Univ. of N.Y. at Orange*, 748 F.3d 471 (2d Cir. 2014); see also *Machicote v. Ercole*, No. 06-CV-13320, 2011 WL 3809920, at \*2 (S.D.N.Y. Aug. 25, 2011) (“[E]ven a *pro se* party’s objections to a Report and Recommendation must be specific and clearly aimed at particular findings in the magistrate’s proposal, such that no party be allowed a second bite at the apple by simply relitigating a prior argument.”). “A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” § 636(b).

### III. DISCUSSION

No objections were filed in the allotted time period. Docket. Accordingly, the Court has reviewed the Report-Recommendation for clear error and has found none. *Barnes*, 2013 WL 1121353, at \*1. The Court therefore adopts the Report-Recommendation in its entirety; denies Plaintiff’s motion for summary judgment, Dkt. No. 57 (“Plaintiff’s Summary Judgment Motion”); grants Defendants’ motion for summary judgment, Dkt. No. 66 (“Defendants’ Summary Judgment Motion”); and dismisses in its entirety Plaintiff’s amended complaint, Dkt. No. 30 (“Amended Complaint”).

### IV. CONCLUSION

Accordingly, it is hereby:

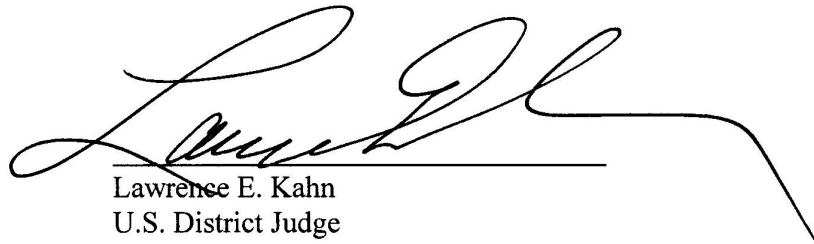
**ORDERED**, that the Report-Recommendation (Dkt. No. 76) is **APPROVED and ADOPTED in its entirety**; and it is further

**ORDERED**, that Plaintiff’s Summary Judgment Motion (Dkt. No. 57) is **DENIED**; Defendants’ Summary Judgment Motion (Dkt. No. 66) is **GRANTED**; and the Amended Complaint (Dkt. No. 30) is **DISMISSED** in its entirety; and it is further

**ORDERED**, that the Clerk of the Court serve a copy of this Order on all parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

DATED: September 28, 2018  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge