

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KYLE JIGGETTS,

Plaintiff,

-against-

LOCAL 32BJ, SEIU, et al.,

Defendants.

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DEBORAH A. BATTS, United States District Judge.

10 Civ. 9082 (DAB)
ADOPTION OF REPORT
AND RECOMMENDATION

This matter is before the Court upon the August 10, 2011 Report and Recommendation of United States Magistrate Judge James C. Francis IV (the "Report"). Judge Francis' Report recommends that Defendants AlliedBarton Security Services, LLC ("AlliedBarton"), Local 32BJ, SEIU (the "Union"), and the City of New York's (the "City") (collectively, "Defendants") Motions to Dismiss be granted; that Plaintiff's claims be dismissed; that AlliedBarton's request for reasonable attorneys' fees be denied; and that AlliedBarton be granted an injunction against further litigation by the Plaintiff regarding his employment with AlliedBarton.¹

¹ Plaintiff has filed numerous cases in the Southern District under the name "Jiggetts" or "Jiggets" - many of which have already been resolved. A search of the Southern District's docket reveals that Plaintiff currently has three open cases, other than the case before this Court: Jiggetts v. SEIU, Local 32BJ, 11 Civ. 2009 (WHP); Jiggetts v. SEIU, Local 32BJ et al., 11 Civ. 4667 (LTS); and Jiggets v. New York City Department of Citiwide Administrative Services et al., 11 Civ. 1245 (PAC).

"Within fourteen days after being served with a copy [of a Magistrate Judge's Report and Recommendation], a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2); accord 28 U.S.C. § 636(b)(1)(C). The district court may adopt those portions of the report to which no timely objection has been made, so long as there is no clear error on the face of the record. Wilds v. United Parcel Serv., Inc., 262 F.Supp.2d 163, 169 (S.D.N.Y. 2003). "[F]ailure to object timely to a magistrate's report operates as a waiver of any further judicial review of the magistrate's decision." Caidor v. Onondaga County, 517 F.3d 601, 604 (2d Cir. 2008) (quoting Small v. Sec. of HHS, 892 F.2d 15, 16 (2d Cir. 1989)). This rule applies to pro se parties so long as the magistrate's report "explicitly states that failure to object to the report within [fourteen (14)] days will preclude appellate review..." Small, 892 F.2d at 16.

Despite being advised of the procedure for filing objections to Judge Francis' Report, and warned that failure to file objections would waive objections and preclude appellate review, (Report at 26), Plaintiff has filed no objections to the Report. Nor has any other Party filed objections to the Report.

Having reviewed the Report, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby ORDERED AND ADJUDGED that the Report and Recommendation of United States Magistrate Judge James C. Francis IV, dated August 10, 2011, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety.

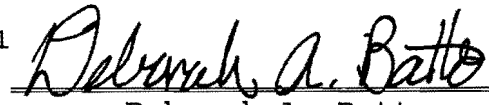
Defendants' Motions to Dismiss are hereby GRANTED. Plaintiff's claims are hereby DISMISSED, WITH PREJUDICE. Defendant AlliedBarton's request for reasonable attorneys' fees is hereby DENIED. Defendant AlliedBarton's Motion that Plaintiff be enjoined from further litigation regarding his employment with Defendant AlliedBarton is hereby GRANTED. Plaintiff is enjoined from filing any further suits against Defendant AlliedBarton in any federal court regarding the subject matter of these lawsuits unless he first obtains leave of the Court.² Any application for leave to proceed shall be accompanied by a copy of this Order and Injunction, so that the reviewing judge is made aware of the history of this litigation. The Clerk is DIRECTED to close the

² In a letter dated August 24, 2011, Defendant AlliedBarton requested an injunction preventing Plaintiff from filing lawsuits against AlliedBarton in state court. In a memo-endorsed Order dated August 25, 2011, Judge Francis denied this request given the comity concerns in enjoining a state court. This Court adopts this recommendation by Judge Francis in full.

Docket in this case and serve a copy of this Order and Injunction on Plaintiff.

SO ORDERED.

Dated: New York, New York
September 13, 2011



Deborah A. Batts
United States District Judge