

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Norman M. Todd,

Plaintiff,

11 Civ. 8973 (ALC)

- against -

Memorandum & Order

U.S. Department of Education,

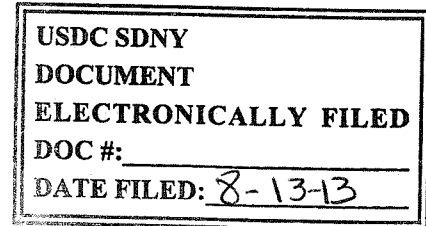
Defendant.
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ANDREW L. CARTER, JR., United States District Judge:

Pro se plaintiff Norman M. Todd (“Todd”) filed a Complaint on December 7, 2011, alleging that Defendant the United States Department of Education (“Defendant”) wrongfully seized \$5,182 from his 2010 federal tax refund to offset student debt arising from loan proceeds that he never received. He contends that some unknown person fraudulently applied for the loan in his name.

On October 9, 2012, Defendant filed a motion for summary judgment. On April 25, 2013, Judge Francis issued a Report and Recommendation that the defendant’s motion for summary judgment should be granted. *See* Dkt. 22.

On May 10, 2013, plaintiff filed objections to Judge Francis’s Report and Recommendation, and also requested an opportunity to obtain counsel. *See* Dkt. 23. By Order dated July 10, 2013 (Dkt. 24), the Court granted Todd an extension to file objections insofar as he wished to obtain counsel and ordered Todd to file objections by August 9 with or without counsel.



Briefing is now complete on Todd's objections to Judge Francis's Report and Recommendation. The Court addresses all of these issues in this Opinion and Order. For the following reasons, Judge Francis's Report and Recommendation is adopted in its entirety.

I. Judge Francis's Report and Recommendation

The Court first addresses Judge Francis's Report and Recommendation on the defendant's motion for summary judgment. The Court assumes familiarity with the factual background and procedural history of this case, set forth at length in Judge Francis's Report and Recommendation.

A. Applicable Legal Standard

In reviewing a Report and Recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b) (1)(C). To accept those portions of the report to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record," *King v. Greiner*, No. 02-cv-5810, 2009 U.S. Dist. LEXIS 58771, at *10, 2009 WL 2001439 (S.D.N.Y. July 8, 2009) (citation omitted); *see also Wilds v. United Parcel Serv.*, 262 F.Supp.2d 163, 169 (S.D.N.Y. 2003). But where specific objections are made, "[t]he district judge must determine *de novo* any part of the magistrate judge's disposition that has been properly objected to." Fed.R.Civ.P. 72(b)(3); *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). To the extent, however, that the party makes only conclusory or general objections, or simply reiterates the original arguments, the Court will review the Report and Recommendation strictly for clear error. *See Kozlowski v. Hulihan*, Nos. 09-cv-7583, 10-cv-0812, 2012 U.S. Dist. LEXIS 15124, at *10, 2012 WL 383667 (S.D.N.Y. Feb. 7, 2012) (Holwell, J.); *Brown v. Time Warner Cable*, No. 10-cv-8469, 2011 U.S. Dist. LEXIS 113624, at *7, 2011

WL 4549625 (S.D.N.Y. Oct. 3, 2011) (Crotty, J.); *Soley v. Wasserman*, No. 08-cv-9262, 2011 U.S. Dist. LEXIS 111522, at *11, 2011 WL 4526145 (S.D.N.Y. Sept. 29, 2011) (Wood, J.); *Pinkney v. Progressive Home Health Servs.*, No. 06-cv-5023, 2008 U.S. Dist. LEXIS 55034, at *2, 2008 WL 2811816 (S.D.N.Y. July 21, 2008) (Swain, J.). The Court is mindful that *pro se* parties are generally accorded leniency when making objections. *Pinkney*, 2008 U.S. Dist. LEXIS 55034, at *2-3, 2008 WL 2811816 (citing *Walker v. Vaughan*, 216 F.Supp.2d 290, 292 (S.D.N.Y. 2002)); *see also Vasquez v. Reynolds*, No. 00-cv-0862, 2002 U.S. Dist. LEXIS 4395, 2002 WL 417183 (S.D.N.Y. Mar. 18, 2002). Nonetheless, to trigger *de novo* review, even a *pro se* party's objections to a Report and Recommendation must be specific and clearly aimed at particular findings in the magistrate judge's report. *Molefe v. KLM Royal Dutch Airlines*, 602 F.Supp.2d 485, 487 (S.D.N.Y. 2009) (citing *Camardo v. Gen. Motors Hourly-Rate Emps. Pension Plan*, 806 F.Supp. 380, 381-82 (W.D.N.Y. 2002)).

B. Discussion

Todd largely makes only conclusory and general objections which merit only clear error review. The Court finds no error on the face of the Report and Recommendation. The Court adopts the Report and Recommendation in its entirety.

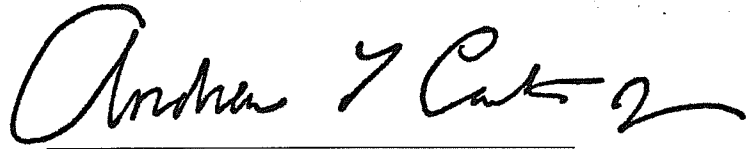
CONCLUSION

For the foregoing reasons, Judge Francis's Report and Recommendation (Dkt. 22) is adopted in its entirety. The defendant's motion for summary judgment is granted.

The Clerk of Court is directed to terminate the motion at docket numbers 14. The Clerk of Court is further directed to close this case.

Dated: New York, New York
August 13, 2013

SO ORDERED.

A handwritten signature in black ink, reading "Andrew L. Carter, Jr." with a stylized flourish at the end.

Andrew L. Carter, Jr.
United States District Judge