

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: January 13, 2015

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JAE LONDON,

Plaintiff,

-against-

NYS DEPARTMENT OF HOMELESS
SERVICES, et al.,

Defendant.
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13 Civ. 6723 (PAC)(GWG)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

HONORABLE PAUL A. CROTTY, United States District Judge:

Pro se Plaintiff Jae London (“London”) brings this action against the New York City Department of Homeless Services (“DHS”) and Sonya Williams, an employee of DHS (collectively, “Defendants”), alleging that Defendants discriminated against him, retaliated against him, and created a hostile work environment in violation of Title VII. London, who was employed as the building manager of the Washington Hotel, alleges that Williams verbally attacked him during an inspection of the Washington Hotel by DHS employees. After London complained about this behavior, London was fired from the Washington Hotel by his boss, Alan Lapes. Defendants move to dismiss (1) for failure to state claims of retaliation, discrimination, or hostile work environment; (2) because DHS is not a suable entity; (3) because individual defendants may not be held liable under Title VII; and (4) because neither DHS nor Williams was London’s employer.

On July 29, 2014, Magistrate Judge Gabriel W. Gorenstein issued a Report and Recommendation (“R & R”) on the motion.¹ With respect to the merits, Magistrate Judge Gorenstein recommends that Defendants’ motion be granted. R & R at 1. Magistrate Judge Gorenstein finds that London’s complaint does not demonstrate an employment relationship with either defendant. *Id.* at 10-13. Because London did not show that the defendants were his employer, neither defendant could be held liable under Title VII. *Id.* Magistrate Judge Gorenstein found this failure sufficient to dispose of the case. *Id.* at 9.

The 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). The Court may adopt those portions of the R & R to which no timely objection has been made, so long as there is no clear error on the face of the record. *DiPilato v. 7-Eleven, Inc.*, 662 F. Supp. 2d 333, 339 (S.D.N.Y. 2009).

Neither party has objected to the R & R, which was issued more than five months ago.² Thus, the Court reviews the R & R for clear error and finds none. Accordingly, the Court adopts Magistrate Judge Gorenstein’s R & R, and Defendants’ motion to dismiss is granted. The Clerk of the Court is directed to enter judgment in favor of Defendants and close this case. Pursuant to 28 U.S.C 1915(a), I find that any appeal from this order would not be taken in good faith.

Dated: New York, New York
January 13, 2015

SO ORDERED



PAUL A. CROTTY
United States District Judge

¹ For the facts of this case, see Magistrate Judge Gorenstein’s R & R (Dkt. 30).

² The Court acknowledges receipt of London’s August 11, 2014 letter to the Court, which did not contain objections to the Order.

Copies mailed by chambers to:

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