

<p>USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>1/12/2018</u></p>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TRENT PATTERSON,

Plaintiff,

-v-

JOSEPH PONTE et al.,

Defendants.

-----X

16 Civ. 3156 (PAE) (JCF)

OPINION & ORDER

PAUL A. ENGELMAYER, District Judge:

Pro se plaintiff Trent Patterson brings this action under 42 U.S.C. § 1983 alleging various claims arising from his conditions of confinement at the Anna M. Kross Center (“AMKC”), as well as violations of his right to access to the courts and counsel, right to free exercise of religion, right to liberty from bodily restraint, right to be free from the excessive use of force, and others. Before the Court is the September 29, 2017 Report and Recommendation of the Hon. James C. Francis, United States Magistrate Judge, recommending that the Court dismiss all claims in this complaint save the February 20, 2017 excessive force claim against Captain Johnson. Dkt. 71 (“Report”). For the following reasons, the Court adopts this recommendation.

I. Background

The Court incorporates by reference the summary of the facts provided in the Report. *See* Report at 2–3.

On April 28, 2016, Patterson filed a Complaint. Dkt. 2. On July 7, 2016, the Court referred this case to Judge Francis for general pretrial supervision and for a report and recommendation. Dkt. 7. On September 15, 2016, Patterson amended his Complaint to add additional officer defendants. Dkt. 16. On November 28, 2016, defendants filed a motion to

dismiss the Complaint, along with a supporting memorandum of law. Dkts. 28–29. On December 28 and 29, 2016, Patterson filed two letters in opposition to defendants’ motion to dismiss, and requesting the appointment of *pro bono* counsel. Dkts. 32–33. On December 30, 2016, Judge Francis denied Patterson’s request for the appointment of *pro bono* counsel. Dkt. 34. On January 17, 2017, defendants filed a reply memorandum of law in support of their motion to dismiss. Dkt. 35.

On March 30, 2017, Judge Francis issued his first report, recommending that the Court dismiss the complaint and first amended complaint without prejudice. Dkt. 43. On April 17, 2017, the Court dismissed without prejudice. Dkt. 44.

On May 1, 2017, he filed a second amended complaint, Dkt. 48, and on June 2, 2017, he filed a third amended complaint, Dkt. 54.

On June 16, 2017, defendants filed a motion to dismiss the Complaint, along with a supporting memorandum of law. Dkts. 56–57. On July 10 and 12, 2017, Patterson filed two letters in opposition to defendants’ motion to dismiss. Dkts. 60–61. On July 14, 2017, Patterson filed a letter attaching grievance papers concerning psychiatric evaluations. Dkt. 62. On July 28, 2017, defendants filed a reply memorandum of law in support of their motion to dismiss. Dkt. 63. In August of 2017, Patterson filed four additional letters. Dkts. 66–69. On September 29, 2017, Judge Francis filed his Report.

II. Discussion

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). When a party makes specific objections to a magistrate’s findings, the district court must make a *de novo* determination as to those findings. *Id.* § 636(b)(1). However,

if a party “makes only conclusory or general objections, or simply reiterates the original arguments, the Court will review the Report strictly for clear error.” *Pinkney v. Progressive Home Health Servs.*, No. 06 Civ. 5023 (LTS) (JCF), 2008 WL 2811816, at *1 (S.D.N.Y. July 21, 2008), *aff’d*, 367 F. App’x 210 (2d Cir. 2010) (summary order). And, while *pro se* parties are, as always, treated leniently in making objections, their objections to a Report “must be specific and clearly aimed at particular findings.” *Id.*

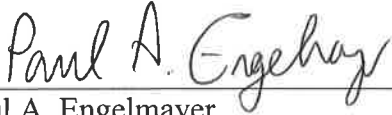
Careful review of Judge Francis’s thorough and well-reasoned Report reveals no facial error in its conclusions; the Report is therefore adopted in its entirety.

CONCLUSION

For the foregoing reasons, the Court dismisses all allegations in Patterson’s second and third amended complaints save the February 20, 2017 excessive force claim against Captain Johnson.

The Court directs the Clerk to mail a copy of this decision to plaintiff at the address on file.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: January 10, 2018
New York, New York