

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIE GISELE KAMANOU-GOUNE,

Plaintiff,

v.

SWISS INTERNATIONAL AIRLINES,

Defendant.

08 Civ. 7153 (SCR)(GAY)

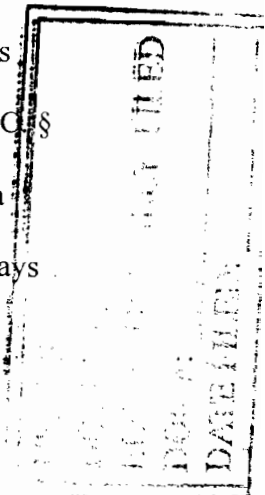
MEMORANDUM ORDER
ACCEPTING REPORT AND
RECOMMENDATION

STEPHEN C. ROBINSON, United States District Judge:

Pro se plaintiff Marie Gisele Kamanou-Goune filed this case in Westchester County Supreme Court against Swiss International Airlines on June 30, 2008. Kamanou-Goune, an employee of the United Nations, alleges state law claims against Swiss Air including breach of contract, loss of professional reputation, detriment to career, emotional distress, and damage to credit score, all arising out of Swiss Air's refusal to allow her daughter to board a return flight from Douala, Cameroon. Swiss Air's petition of removal to federal court was received on August 11, 2008. Presently before the Court is Swiss Air's motion to dismiss and Kamanou-Goune's (liberally construed) motion for remand.

On August 20, 2008, this case was referred to Magistrate Judge George A. Yanthis for the issuance of a Report and Recommendation on the pending motions. Judge Yanthis issued the Report and Recommendation on March 2, 2009, advising this Court to grant the plaintiff's motion for remand and to deny the defendant's motion to dismiss for lack of jurisdiction. As Judge Yanthis explicitly noted at the end of the Report and Recommendation, under 28 U.S.C. § 636(b)(1) and Rules 72(b) and 6(d) of the Federal Rules of Civil Procedure, the parties had a right to file written objections to the Report and Recommendation within thirteen working days.

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from March 2, 2009. As the statutory period for filing objections has lapsed and the parties have not filed any objections, the Court is prepared to rule on the Report and Recommendation.

I. STANDARD OF REVIEW

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). To accept a Report and Recommendation 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.” *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985) (citations omitted); *accord Edwards v. Fischer*, 414 F. Supp. 2d 342, 346-47 (S.D.N.Y. 2006); *see also Pizarro v. Bartlett*, 776 F. Supp. 815, 817 (S.D.N.Y. 1991) (court may accept report if it is “not facially erroneous”). As neither party has objected to Judge Yanthis’ Report and Recommendation, this Court will review the Report and Recommendation for clear error.

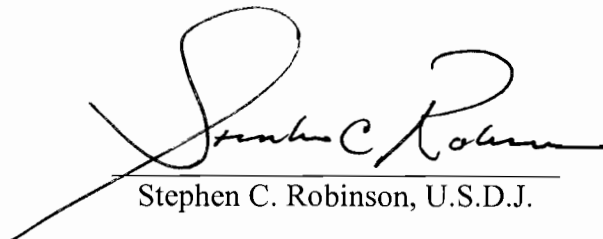
II. DISCUSSION

This Court has reviewed Judge Yanthis’ comprehensive and well-reasoned Report and Recommendation and has determined that there is no clear legal error on the face of the record. Accordingly, the Court accepts Judge Yanthis’ Report and Recommendation in its entirety and grants the plaintiff’s motion to remand. The defendant’s motion to dismiss is denied for lack of jurisdiction. The Clerk of the Court is directed to close this case, including docket entry 4.

It is so ordered.

Dated: White Plains, New York

March 27, 2009


Stephen C. Robinson, U.S.D.J.