

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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PIERRE ROY,

Plaintiff,

v.

**DECISION AND ORDER**  
15-CV-0771-A

BUFFALO PHILHARMONIC ORCHESTRA,

Defendant.

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This case of alleged disability discrimination and retaliation under the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 *et seq.*, was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On May 13, 2016, Magistrate Judge Schroeder filed a Report and Recommendation (Dkt. No. 15) that recommends that defendant's motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) (Dkt. No. 5) be granted on the ground that the action was untimely filed.

On May 25, 2016, the Plaintiff, Pierre Roy, who is appearing *pro se*, filed objections to the Report and Recommendation. Dkt. No. 16. Defendant Buffalo Philharmonic Orchestra filed a response to the objections on June 7, 2016. Dkt. No. 19. The Plaintiff filed a reply on August 2, 2016.

The Court has carefully reviewed the Report and Recommendation, the parties' submissions, and the pleadings. Upon *de novo* review pursuant to 28 U.S.C. § 636(b)(1), the Court adopts the Report and Recommendation (Dkt. No. 15), and grants the motion to dismiss for the reasons stated by Magistrate Judge Schroeder. The Clerk shall enter judgment for Defendant Buffalo Philharmonic Orchestra, and shall

close the case.

**SO ORDERED.**

*Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: August 8, 2016