

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

EDWARD A. SLINGBAUM,
*P.O.A. for Walter M. Kirby, Jr. and
individually*

Plaintiff,

18-CV-47
DECISION AND ORDER

v.

M&T BANK CORP.; and
CEO ROBERT G. WILMERS,
Defendants.

On January 1, 2018, the pro se plaintiff, Edward A. Slingbaum, commenced this action, Docket Item 1, and on March 1, 2018, the defendants moved to dismiss, Docket Item 2. On March 2, 2018, this Court referred this case to United States Magistrate Judge Michael J. Roemer for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Docket Item 3. On March 9, 2018, the plaintiff responded to the defendants' motion to dismiss, Docket Item 4; and on April 16, 2018, the defendants replied, Docket Item 5. On May 5, 2018, Judge Roemer issued a Report and Recommendation, finding that the defendants' motion should be granted. Docket Item 8.

On May 11, 2018, the plaintiff objected to the R&R. Docket Item 9. On June 6, 2018, the defendants responded to the objections. Docket Item 11.

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a de novo review of those portions of a magistrate judge's

recommendation to which objection is made. 28 U.S.C. § 636(b)(1);
Fed. R. Civ. P. 72(b)(3).

This Court has carefully reviewed the thorough R&R, the record in this case, the objection and response, and the pleadings and materials submitted by the parties. Based on that de novo review, the Court accepts and adopts Judge Roemer's recommendation to grant the defendants' motion in its entirety.

For the reasons stated above and in the Report and Recommendation, the defendants' motion to dismiss, Docket Item 2, is GRANTED; the complaint, Docket Item 1, is dismissed without prejudice; the plaintiff's motions to expedite, Docket Items 12 and 13, are denied as moot; and the Clerk of the Court shall close the file.

SO ORDERED.

Dated: April 6, 2019
Buffalo, New York

s/ Lawrence J. Vilaro

LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE