UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AMANDA FRANKLIN,

Plaintiff,

v.

GENTECH SCIENTIFIC LLC,
LAKELET CAPITAL LLC,
CONQUER SCIENTIFIC LLC,
PURITY SCIENTIFIC LLC, and
YVETTE PAGANO

Defendants.

22-CV-1005 (JLS) (HKS)

DECISION AND ORDER

Plaintiff Amanda Franklin commenced this action pursuant to Title VII of the Civil Rights Act of 1994 (Title VII), as amended by the Pregnancy Discrimination Act, 42 U.S.C. § 2000e *et seq.*, and the New York State Human Rights Law ("NYSHRL"), N.Y. Executive Law § 290 *et seq.*, alleging discrimination and retaliation because of her pregnancy. Dkt. 1. On February 27, 2023, Lakelet Capital LLC ("Lakelet") moved to dismiss the complaint for failure to allege an employer-employee relationship as to Lakelet. Dkt. 11. On March 1, 2023, the Court referred the case to United States Magistrate Judge H. Kenneth Schroeder, Jr., for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Dkt. 16.

Presently before the Court is Judge Schroeder's Report, Recommendation, and Order ("R&R") recommending that Lakelet's motion to dismiss be granted. Dkt. 24. No party filed objections to the R&R, and the time to do so has passed.

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 a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which objections are not raised. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge Schroeder's R&R and the relevant record. In the absence of objections, the Court accepts and adopts Judge Schroeder's recommendation to grant Lakelet's motion to dismiss.

For the reasons stated above and in the R&R, Lakelet's motion to dismiss (Dkt. 11) is GRANTED. The case is referred back to Judge Schroeder for further proceedings consistent with the referral order of March 1, 2023. Dkt. 16.

SO ORDERED.

Dated: June 30, 2023
Buffalo, New York

JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE