

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



CHRISTINE RIORDAN, as
Administrator of the estate of SEAN
CHRISTOPHER RIORDAN, deceased,

Plaintiff,

23-CV-584 (JLS)

v.

ERIE COUNTY, SHERIFF JOHN C.
GARCIA, JOHN DOES 1–20,

Defendants.

DECISION AND ORDER

Plaintiff Christine Riordan, as Administrator of the estate of Sean Christopher Riordan, initiated this action in New York State Supreme Court, Erie County. *See* Dkt. 1. Riordan asserts various claims against Defendants, arising from her son’s detention at the Erie County Holding Center (“ECHC”), and death in June 2022. *Id.* Defendants answered and removed the case to this Court. *Id.* After this Court referred the case to Judge McCarthy,¹ Defendants filed a motion for judgment on the pleadings. *See* Dkt. 7.

On March 20, 2024, Judge McCarthy issued a Report and Recommendation (“R&R”), recommending that this Court grant Defendants’ motion with respect to

¹ This Court referred the case to United States Magistrate Judge Jeremiah J. McCarthy for all proceedings under 28 U.S.C. sections 636(b)(1)(A), (B), and (C). Dkt. 2.

dismissal of Plaintiff's official capacity claims against the individual Defendants, but deny the balance of Defendants' motion. *See* Dkt. 17, at 18.

Neither party objected to the R&R, and the time to do so has expired. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). 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. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. section 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

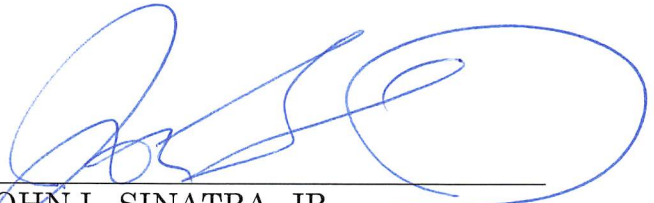
Although not required to do so here, the Court nevertheless reviewed Judge McCarthy's R&R. Based on that review, and absent any objections, the Court accepts the R&R's recommendation to grant Defendant's motion in part and deny it in part. Dkt. 17.

CONCLUSION

For the reasons above and in the R&R, the Court GRANTS Defendants' motion to dismiss as to Plaintiff's official capacity claims but DENIES the balance of Defendants' motion. *See* Dkt. 7. Plaintiff's official capacity claims are dismissed. *See* Dkt. 1. The case is referred back to Judge McCarthy consistent with the June 27, 2023 referral order. Dkt. 2.

SO ORDERED.

Dated: April 25, 2024
 Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE