

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
NEW YORK**

**Holly Jarvis v. William D'Angelo and Marpat, LLC**

5:25-CV-0648 (GTS/ML) · No. 5:25-CV-0648 (GTS/ML) · Decided March 25, 2026

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**OPINION**

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

\_\_\_\_\_ HOLLY JARVIS, Plaintiff, 5:25-CV-0648 v.  
(GTS/ML) WILLIAM D'ANGELO; and MARPAT, LLC, Defendants.

\_\_\_\_\_ APPEARANCES: HOLLY JARVIS Plaintiff,  
Pro Se 105 Rider Ave, #1 Syracuse, New York 13207 GLENN T. SUDDABY, United States  
District Judge DECISION and ORDER Currently before the Court, in this pro se civil rights  
action filed by Holly Jarvis ("Plaintiff") against William D'Angelo and Marpat, LLC  
("Defendants") are (1) United States Magistrate Judge Miroslav Lovric's Report-  
Recommendation recommending that Plaintiff's Complaint be dismissed without prejudice and  
with leave to amend for lack of subject-matter jurisdiction, (2) Plaintiff's Objection to the Report-  
Recommendations, and (3) Plaintiff's Amended Complaint.

(Dkt. Nos. 20, 21, 22.) After carefully reviewing the relevant papers herein, including Magistrate  
Judge Lovric's thorough Report-Recommendation, the Court can find no error in the portions of  
the Report- Recommendation to which Plaintiff has specifically objected, and no clear error in the  
remaining 1 portions of the Report-Recommendation: Magistrate Judge Lovric employed the  
proper standards, accurately recited the facts, and reasonably applied the law to those facts.

As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons  
stated therein. To those reasons, the Court adds only two brief points. First, in her Objection,  
Plaintiff argues that dismissal is not warranted because, liberally construed, her original  
Complaint alleges facts plausibly suggesting a violation of the Fair Housing Act, 42 U.S.C. §§  
3604 and 3617.

(Dkt. No. 22.) The Court disagrees: even when construed with the utmost of special leniency, the  
factual allegations of Plaintiff's original Complaint do not plausibly suggest a claim under the Fair  
Housing Act. (See generally Dkt. No. 1.)

Second, before it may refer Plaintiff's Amended Complaint to Magistrate Judge Lovric for his  
review of its pleading sufficiency, the Court must confirm with Plaintiff that she indeed intends to  
proceed on her Amended Complaint in this action. This is because, when she filed her Amended  
Complaint, Plaintiff did not yet have the benefit of the Court's Decision and Order on Magistrate  
Judge Lovric's Report-Recommendation.

Cf. *Cresci v. Mohawk Valley Community College*, 693 F. App'x 21, 25 (2d Cir. June 2, 2017) (“The court's criticism of Cresci for failure to submit a proposed amended complaint before learning whether, and in what respects, the court would find deficiencies was unjustified, and the court's denial of leave to replead, simultaneously with its decision that the complaint was defective, effectively deprived Cresci of a reasonable opportunity to seek leave to amend.”).

As a result, the Court will give Plaintiff a reasonable opportunity to either (1) confirm that she indeed intends to proceed on her Amended Complaint (Dkt. No. 22), or (2) file a revised Amended Complaint. 2 ACCORDINGLY, it is ORDERED that Magistrate Judge Lovric's Report-Recommendation (Dkt. No. 21) is ACCEPTED and ADOPTED in its entirety; and it is further ORDERED that Plaintiff's Complaint (Dkt.

No. 1) shall be DISMISSED without prejudice and without further Order of this Court, unless, within THIRTY (30) DAYS of the entry of this Decision and Order, Plaintiff cures the pleading defects identified in the Report- Recommendation; and it is further ORDERED that, within the above-described 30-day time period, Plaintiff either (1) files a letter to the Court stating that she intends to rely on her Amended Complaint filed on January 13, 2026 (Dkt.

No. 22), or (2) files a revised Amended Complaint; and it is further ORDERED that, should Plaintiff do either of the above-described two things, her Amended Complaint shall be referred to Magistrate Judge Lovric for further review pursuant to 28 U.S.C. § 1915. Dated: March 24, 2026  
he Ydohty— Syracuse, New York HON. GLENN T. SUDDABY United States District Judge