

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK

**Nakia Chaney v. Raybens Enterprises, a/k/a Green Facilities
Solutions; Raytice Spencer; Donna Mackey; Jose Marrucci; Alberto
Puertas; Green Facilities Solutions, a/k/a Raybens Enterprises; and
State of New York**

Chaney · No. 1:25-CV-1300 (GTS/DJS) · Decided March 24, 2026

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

NAKIA CHANEY, Plaintiff, 1:25-CV-1300 v. (GTS/DJS) RAYBENS ENTEPRISES, a/k/a Green Facilities Solutions; RAYTICE SPENCER; DONNA MACKEY; JOSE MARRUCCI; ALBERTO PUERTAS; GREEN FACILITIES SOLUTIONS, a/k/a Raybens Enterprises; and STATE OF NEW YORK, Defendants.

APPEARANCES: NAKIA CHANEY Plaintiff, Pro Se c/o Lisa Teamer 15-17 Third Street Troy, New York 12180 GLENN T. SUDDABY, United States District Judge DECISION and ORDER Currently before the Court, in this pro se civil rights action filed by Nakia Chaney (“Plaintiff”) against Raybens Enterprises, Green Facilities Solutions, Manager Jose Marrucci, employees Raytice Spencer, Donna Mackey, and Alberto Puertos, and the State of New York (“Defendants”), are the following: (1) United States Magistrate Judge Daniel J. Stewart’s Report- Recommendation recommending that Plaintiff’s claims under 42 U.S.C. § 1983 be dismissed with prejudice, that Plaintiff’s claims against Defendant Marrucci under Title VII be dismissed with prejudice, that Plaintiff’s claims against Defendants Raybens Enterprises and Green 1 Facilities Solutions under Title VII be dismissed without prejudice for failure to exhaust his administrative remedies, and that Plaintiff’s state law claims be dismissed without prejudice to refile in state court within the governing limitations period; and (2) Plaintiff’s Objections to the Report-Recommendations.

(Dkt. Nos. 9, 10.) Even when construed with the utmost of special leniency, Plaintiff’s one-page Objections contain no specific challenge¹ to any portion of the Report-Recommendation. (Compare Dkt. No. 10 with Dkt. No. 9.)

In any event, even if Plaintiff’s Objections could be liberally construed as containing specific challenges to various portions of the Report-Recommendation, the Court finds no error² in such portions, and no clear error³ in the remaining portions of the Report- 1 To be "specific," an objection must, with particularity, "identify [1] the portions of the proposed findings, recommendations, or report to which it has an objection and [2] the basis for the objection."

N.D.N.Y. L.R. 72.1(c); see also *Mario v. P&C Food Markets, Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) ("Although Mario filed objections to the magistrate's report and recommendation, the statement with respect to his Title VII claim was not specific enough to preserve this claim for review.

The only reference made to the Title VII claim was one sentence on the last page of his objections, where he stated that it was error to deny his motion on the Title VII claim '[f]or the reasons set forth in Plaintiff's Memorandum of Law in Support of Motion for Partial Summary Judgment.' This bare statement, devoid of any reference to specific findings or recommendations to which he objected and why, and unsupported by legal authority, was not sufficient to preserve the Title VII claim.").

2 When a specific objection is made to a portion of a magistrate judge's report-recommendation, the Court subjects that portion of the report-recommendation to a de novo review. Fed. R. Civ. P. 72(b)(2); 28 U.S.C. § 636(b)(1)(C). 3 When no specific objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review.

Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a clear error review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a 2 Recommendation: Magistrate Judge Stewart employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts.

(See generally Dkt. No. 9.) As a result, the Report-Recommendation is accepted and adopted for the reasons set forth therein. (/d.) ACCORDINGLY, it is ORDERED that Magistrate Judge Stewart's Report-Recommendation (Dkt. No. 9) is ACCEPTED and ADOPTED in its entirety; and it is further ORDERED that the following claims in Plaintiff's Amended Complaint (Dkt. No. 5) are DISMISSED with prejudice: (1) Plaintiff's claims under 42 U.S.C. § 1983 claims; and (2) Plaintiff's claims against Defendant Marrucci under Title VH; and it is further ORDERED that Plaintiff's claims against Defendants Raybens Enterprises and Green Facilities Solutions under Title VI in his Amended Complaint (Dkt.

No. 5) are DISMISSED without prejudice; and it is further ORDERED that Plaintiff's state law claims in his Amended Complaint (Dkt. No. 5) are DISMISSED without prejudice to refiling in state court within the governing limitations period. Dated: March 24, 2026 Syracuse, New York beech — HON. GLENN T. SUDDABY United States District Judge magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).

