

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Anthony Romano v. Stephen Laskowski, et al.

18-CV-479 (JLS) (MJR) (W.D.N.Y. Dec. 4, 2025) · No. 18-CV-479 (JLS) (MJR) · Decided December 4, 2025

SUMMARY

The United States District Court for the Western District of New York adopted a magistrate judge’s Report and Recommendation and dismissed Anthony Romano’s 42 U.S.C. § 1983 action with prejudice under Federal Rule of Civil Procedure 41(b). The court found that Romano’s refusal to participate in discovery constituted willfulness, bad faith, or reasonably serious fault, and that lesser sanctions would be ineffective.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	John L. Sinatra, Jr.
JURISDICTION	United States District Court for the Western District of New York
DECIDED	December 4, 2025
DOCKET	18-CV-479 (JLS) (MJR)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed and adopted a magistrate judge's unobjected-to Report and Recommendation following a remand from the Second Circuit, and dismissed the action with prejudice under Federal Rule of Civil Procedure 41(b) for failure to participate in discovery and comply with a court order.
STANDARD OF REVIEW	A district court reviews objected-to portions of a magistrate judge's recommendation de novo; absent objections, neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires review, although the court reviewed the R&R and record in this case.
PRECEDENTIAL VALUE	Unpublished federal district court decision; limited precedential value.
PARTIES	Anthony Romano v. Stephen Laskowski, et al.

TOPICS

- sanctions
- discovery dispute
- civil procedure
- appellate procedure
- standard of review

PRACTICE AREAS

Civil procedure

Prisoner civil rights

Discovery sanctions

Appellate procedure

QUESTIONS PRESENTED

1. Whether the magistrate judge's findings that Romano's discovery nonparticipation and disregard of a court order constituted willfulness, bad faith, or reasonably serious fault should be adopted.
2. Whether sanctions short of dismissal would be effective under the circumstances.
3. Whether the action should be dismissed with prejudice under Federal Rule of Civil Procedure 41(b).

HOLDINGS

1. The district court accepted and adopted the magistrate judge's finding that Romano's refusal to participate in discovery and disregard of a court order constituted willfulness, bad faith, or reasonably serious fault.
2. No sanction less severe than dismissal with prejudice would be effective under the circumstances.
3. The action was dismissed with prejudice under Federal Rule of Civil Procedure 41(b).

KEY QUOTATIONS

“plaintiff's refusal to participate in the discovery process and his disregard of this Court's order constituted willfulness, bad faith, or reasonably serious fault.” (Dkt. 75 at 6)

“no sanction less than dismissal with prejudice would be effective under these circumstances.” (Dkt. 75 at 9)

“For the reasons above and in the R&R, this action is dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b).” (Decision and Order)

FACTUAL BACKGROUND

Romano refused to participate in the discovery process and disregarded a court order requiring his participation. The magistrate judge found that this conduct constituted willfulness, bad faith, or reasonably serious fault. Romano had ignored repeated opportunities to comply, and the magistrate judge concluded that further admonishments would not secure meaningful participation and that monetary sanctions were inappropriate because Romano proceeded in forma pauperis.

PROCEDURAL HISTORY

Romano brought a 42 U.S.C. § 1983 action, and defendants moved to dismiss. The magistrate judge initially recommended dismissal without prejudice, which the district court adopted; the Second Circuit vacated that judgment and remanded for reconsideration of willfulness, bad faith, reasonably serious fault, and the effectiveness of lesser sanctions. On remand, the magistrate judge recommended dismissal with prejudice under Rule 41(b), finding willful, bad-faith, or seriously faulty conduct and concluding that lesser sanctions would be ineffective. No party objected, and the district court accepted and adopted the recommendation.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 149-50 (1985)

OPINION

Si AT ES DISTRIG= □□ KY FILED “Sop UNITED STATES DISTRICT COURT Ss □□ WESTERN DISTRICT OF NEW YORK DEC 0 4 2025 J Yar oe Wes LC. Lorwengutt-= wh OF ANTHONY ROMANO TERN DISTRIC Plaintiff, v. 18-CV-479 (JLS) (MJR) STEPHEN LASKOWSKI, et al., Defendants. DECISION AND ORDER Before the Court is Judge Roemer’s [75] Report and Recommendation (“R&R”) recommending that this Court dismiss this action with prejudice pursuant to Fed.

R. Civ. P. 41(b). Plaintiff Anthony Romano commenced this action pursuant to 42 U.S.C. § 1983. Dkt. 1. The case has been referred to United States Magistrate Judge Michael J. Roemer. Defendants moved to dismiss. Dkt. 48. Plaintiff opposed the motion. Dkt. 51. Judge Roemer then issued a Report and Recommendation recommending that Defendants’ motion be granted, and the case be dismissed without prejudice.

Dkt. 53. In the absence of any objections, this Court accepted! The case was originally assigned to Judge Wolford, who referred it to Judge Roemer “for all pretrial matters excluding dispositive motions.” Dkt. 14. The case was reassigned to the undersigned. Dkt. 28. This Court then ordered that Judge Roemer “shall also hear and report upon dispositive motions for the consideration of the District Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and (C).” Dkt.

24. and adopted Judge Roemer’s Report and Recommendation and dismissed the case without prejudice. Dkt. 55. Plaintiff appealed. Dkt. 59. On November 22, 2024, the Second Circuit issued a mandate vacating this Court’s judgment and remanding the case for further proceedings. Dkt. 63. Specifically, the court “remand[ed] to the district court to reconsider in the first instance both (1) whether Romano’s conduct constituted ‘willfulness, bad faith, or reasonably serious fault,’... and (2) whether other sanctions may have been effective.” Id. at 10.

This Court then referred the case back to Judge Roemer in accordance with the [14] and [24] referral orders to follow the [63] mandate. Dkt. 64. On November 6, 2025, Judge Roemer issued the [75] R&R. He concluded that “plaintiffs refusal to participate in the discovery process and his disregard of this Court’s order constituted willfulness, bad faith, or reasonably serious fault.” Dkt.

75 at 6 (internal citation and quotation marks omitted). As to sanctions, he concluded that “no sanction less than dismissal with prejudice would be effective under these circumstances.” Id. at 9. He reasoned that “Plaintiff has ignored repeated opportunities to comply with his discovery

obligations, and it is unlikely that further admonishment from the Court will compel his meaningful participation in this litigation,” and that “a monetary sanction would be inappropriate based on plaintiffs in forma pauperis status.” Id. at 10.

As such, Judge Roemer recommended that this Court dismiss the action with prejudice pursuant to Rule 41(b). No party filed objections, and the time to do so has expired. 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)(8). 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 no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). This Court has carefully reviewed the R&R and the relevant record. Based on that review, and absent any objections, the Court accepts and adopts Judge Roemer’s recommendations, including all findings regarding “willfulness, bad faith, or reasonably serious fault”—as well as sanctions less than dismissal.

For the reasons above and in the R&R, this action is dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b). The Clerk of Court shall close the case. SO ORDERED. Dated: December 4, 2025 Buffalo, New York) JOHN. SINATRA, JR. ayer UNITED STATES DISTRICT JUDGE