

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

Peru McCarra v. Sheila Ann Sheridan, et al.

1:25-CV-0991 (GTS/TWD) · No. 1:25-CV-0991 (GTS/TWD) · Decided January 26, 2026

SUMMARY

The United States District Court for the Northern District of New York adopted a magistrate judge's Report-Recommendation recommending sua sponte dismissal of Peru McCarra's pro se complaint for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B). The court ordered dismissal with prejudice unless McCarra filed an amended complaint within thirty days addressing the identified pleading deficiencies, and noted that failure to provide an updated address or diligently prosecute could provide an alternative basis for dismissal.

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

PERU McCARRA, Plaintiff, 1:25-CV-0991 v.
(GTS/TWD) SHEILA ANN SHERIDAN, et al., Defendants.

APPEARANCES: PERU McCARRA
Plaintiff, Pro Se 20 Danker Avenue Albany, New York 12206 GLENN T. SUDDABY, United
States District Judge DECISION and ORDER Currently before the Court, in this pro se action
filed by Peru McCarra ("Plaintiff") against forty named individuals ("Defendants"), is United
States Magistrate Judge Thérèse Wiley Dancks' Report-Recommendation recommending that
Plaintiff's Complaint be sua sponte dismissed with leave to amend for failure to state a claim
pursuant to 28 U.S.C. § 1915(e)(2)(B).

(Dkt. No. 5.) Plaintiff has not filed an Objection to the Report-Recommendation, and the time in
which to do so has expired. (See generally Docket Sheet.) After carefully reviewing the relevant
papers herein, including Magistrate Judge Dancks' thorough Report-Recommendation, the Court
can find no clear error in the Report-Recommendation:¹ Magistrate Judge Dancks employed the
proper standards, accurately ¹ When no 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 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. ACCORDINGLY, it is ORDERED that Magistrate Judge Dancks' Report-
Recommendation (Dkt. No. 4) is ACCEPTED and ADOPTED in its entirety; and it is further
ORDERED that Plaintiff's Complaint (Dkt.

No. 1) shall be DISMISSED with prejudice and without further Order of this Court, UNLESS, within THIRTY (30) DAYS of the entry of this Decision and Order, Plaintiff files an Amended Complaint that corrects the pleading defects identified in the Report-Recommendation; and it is further ORDERED that, should Plaintiff file a timely Amended Complaint, that Amended Complaint shall be returned to Magistrate Judge Dancks for her review; and it is further ORDERED that, should Plaintiff continue to fail to provide the Court with an updated address as required by N.D.N.Y.

Local Rule 10.1(c) (see Dkt. No. 5), his failure to obey the Court's rules and/or failure to diligently prosecute this action under Fed. R. Civ. P. 41(b) shall constitute an alternative ground for the dismissal of his action. Dated: January 26, 2026 Syracuse, New York Glenn T. Suddaby; U.S. District Judge 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." /d.; 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 magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).