

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.

CASE DETAILS

COURT	United States District Court for the Northern District of New York
WRITING FOR THE COURT	Glenn T. Suddaby
JURISDICTION	United States District Court for the Northern District of New York
DECIDED	January 26, 2026
DOCKET	1:25-CV-0991 (GTS/TWD)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report-Recommendation recommending sua sponte dismissal of the pro se complaint for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B). No objection was filed.
STANDARD OF REVIEW	Clear-error review applies to portions of a magistrate judge's report-recommendation to which no specific objection is made.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- pleadings
- motions to dismiss
- civil procedure
- section 1983

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

1. Whether the court should accept and adopt the magistrate judge's Report-Recommendation when no objection was filed.
2. Whether the Complaint should be dismissed for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B), subject to an opportunity to amend.
3. Whether Plaintiff's failure to maintain an updated address or diligently prosecute the action would provide an alternative ground for dismissal.

HOLDINGS

1. When no objection is filed, the district court reviews the Report-Recommendation for clear error and may accept and adopt it if no clear error appears on the face of the record.
2. The Complaint was properly dismissed for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B), with an opportunity to amend and correct the pleading defects identified in the Report-Recommendation.
3. Plaintiff's continued failure to provide an updated address or otherwise obey the court's rules and diligently prosecute the action would constitute an alternative ground for dismissal under Federal Rule of Civil Procedure 41(b).

KEY QUOTATIONS

“When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only 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.”

FACTUAL BACKGROUND

The opinion provides few underlying factual details and states that Plaintiff brought a pro se action against forty named individuals. The court relied principally on the magistrate judge's Report-Recommendation, which identified pleading defects supporting dismissal for failure to state a claim.

PROCEDURAL HISTORY

Plaintiff filed a pro se action against forty named defendants. Magistrate Judge Thérèse Wiley Dancks recommended dismissal with leave to amend. After Plaintiff failed to object, District Judge Glenn T. Suddaby conducted clear-error review, adopted the Report-Recommendation, and conditionally dismissed the Complaint with prejudice unless Plaintiff filed a curative amended complaint within thirty days.

DISPOSITION

dismissed

CASES CITED

- Batista v. Walker, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995)

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