

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Abdul H. Abdullah v. Sergeant Seyed N. Huda, et al.

Abdullah · No. 24-CV-139 (JPO) · Decided November 24, 2025

SUMMARY

The United States District Court for the Southern District of New York adopted a magistrate judge’s Report and Recommendation without objection. The court granted defendants’ motion to dismiss and dismissed the action without prejudice under Federal Rules of Civil Procedure 41(b) and 37(b)(2) because the pro se plaintiff failed to respond to discovery requests and court orders.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	J. Paul Oetken
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	November 24, 2025
DOCKET	24-CV-139 (JPO)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed and adopted a magistrate judge's Report and Recommendation recommending dismissal after Plaintiff failed to respond to court-ordered interrogatories and document requests. The court granted Defendants' motion under Federal Rules of Civil Procedure 41(b) and 37(b)(2) and dismissed the action without prejudice.
STANDARD OF REVIEW	Clear-error review of the Report and Recommendation because no party filed a timely objection.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not identified in the source.

TOPICS

- sanctions
- discovery dispute
- motions to dismiss
- civil rights
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation when no timely objection was filed.
2. Whether Plaintiff's failure to comply with discovery requests and a court order warranted dismissal without prejudice under Federal Rules of Civil Procedure 41(b) and 37(b)(2).

HOLDINGS

1. When no timely objection is filed to a magistrate judge's Report and Recommendation, the district court reviews the recommendation for clear error and may adopt it if no clear error appears on the face of the record.
2. Dismissal without prejudice was warranted under Federal Rules of Civil Procedure 41(b) and 37(b)(2) where Plaintiff failed to respond to discovery and failed to comply with an order compelling discovery after receiving a warning that noncompliance could result in dismissal.

KEY QUOTATIONS

"When no timely objection is filed, 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

Plaintiff Abdul H. Abdullah brought claims for damages arising from a traffic stop and subsequent arrest by the New York Police Department. Defendants served interrogatories and requests for production, but Plaintiff failed to respond. Plaintiff also failed to comply with Magistrate Judge Willis's order directing him to respond, despite being warned that noncompliance could lead to dismissal.

PROCEDURAL HISTORY

Plaintiff commenced the civil-rights action pro se and in forma pauperis on January 2, 2024, and filed an amended complaint on February 5, 2024. After Defendants served discovery requests, Plaintiff failed to respond despite an order compelling responses and warning that noncompliance could result in dismissal. Defendants moved to dismiss, and Magistrate Judge Jennifer E. Willis recommended granting the motion. Because no timely objections were filed, the district court reviewed the recommendation for clear error, found none, adopted it, dismissed the action without prejudice, and closed the case.

DISPOSITION

dismissed

CASES CITED

- *Borcsok v. Early*, 299 F. App'x 76, 77 (2d Cir. 2008)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK ABDUL H. ABDULLAH, Plaintiff, 24-CV-139 (JPO) -v- ORDER ADOPTING REPORT AND SERGEANT SEYED N. HUDA, et al, RECOMMENDATION Defendants. J. PAUL OETKEN, District Judge: On January 2, 2024, Plaintiff Abdul H. Abdullah, proceeding pro se and in forma pauperis, commenced this action. (ECF No. 1.) Plaintiff filed an amended complaint on February 5, 2024, seeking damages pursuant to 18 U.S.C. § 1989 for violations of his civil rights in connection with a traffic stop and subsequent arrest by the New York Police Department.

(ECF No. 5.) In August 2024, Plaintiff was served by Defendants with interrogatories and requests for production of documents. (ECF No. 33.) Plaintiff failed to respond to those requests despite Magistrate Judge Jennifer E. Willis's ordering Plaintiff to do so and warning Plaintiff that failure to do so could result in his case being dismissed. (ECF No. 35.)

On June 9, 2025, Defendants City of New York, Carlos Garcia, and Seyed N. Huda's (collectively, "Defendants") moved to dismiss the complaint pursuant to Rules 41(b) and 37(b)(2) of the Federal Rules of Civil Procedure. (ECF No. 47.)

On October 20, 2025, Magistrate Judge Willis issued a careful and comprehensive Report and Recommendation ("R&R") in the matter suggesting that this Court grant Defendants' motion. (ECF No. 52.) This Court has reviewed the R&R. No party filed a timely objection to the R&R; therefore, the Court reviews it for clear error. See Fed. R. Civ. P. 72(b), Advisory Committee's Notes (1983) ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."); see also *Borcsok v. Early*, 299 F. App'x 76, 77 (2d Cir.

2008). Magistrate Judge Willis's well-reasoned R&R presents no such errors and is therefore fully adopted by this Court. Accordingly, Defendants' motion (ECF No. 47) is granted, and this action is DISMISSED without prejudice pursuant to Rules 41(b) and 37(b)(2).

The Clerk of Court is directed to terminate the motions at ECF No. 41 and ECF No. 47 and to close this case. SO ORDERED. Dated: November 24, 2025 New York, New York | J. PAUL OETKEN United States District Judge