

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

United States of America v. Roger Rowe

United States v. Rowe · No. 19-CV-5770 (WFK) · Decided December 3, 2025

SUMMARY

The United States District Court for the Eastern District of New York adopts a magistrate judge’s Report and Recommendation concerning Roger Rowe’s motions for final judgment, a temporary restraining order, and a preliminary injunction. The Court denies Rowe’s motions and grants the United States’ request for a filing injunction, requiring Rowe to obtain leave of Court before submitting filings seeking to alter, amend, reopen, or take similar action regarding the amended judgment.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	William F. Kuntz, II
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	December 3, 2025
DOCKET	19-CV-5770 (WFK)
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation concerning Defendant's motions for final judgment, a temporary restraining order, and a preliminary injunction, as well as the United States' motion for a filing injunction. The court adopted the R&R with a modification, denied Defendant's motions, and granted the United States' request for a filing injunction.
STANDARD OF REVIEW	Under 28 U.S.C. § 636(b)(1)(C), the district court conducts de novo review of portions of an R&R to which specific objections are made. Conclusory, general, or repetitive objections are reviewed for clear error.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	United States of America

TOPICS

injunctions

civil procedure

equitable relief

PRACTICE AREAS

civil procedure

remedies

tax litigation

QUESTIONS PRESENTED

1. Whether the district court should review Rowe's general and repetitive objections to the magistrate judge's R&R for clear error and his specific objection de novo.
2. Whether the magistrate judge exceeded her authority by issuing a Report and Recommendation concerning the referred motions.
3. Whether Rowe's motions for entry of final judgment, a temporary restraining order, and a preliminary injunction should be granted.
4. Whether the United States was entitled to a narrowly crafted injunction requiring Rowe to obtain leave before filing further motions concerning the Amended Judgment.

HOLDINGS

1. General, conclusory, or repetitive objections are reviewed for clear error, while specific objections receive de novo review under 28 U.S.C. § 636(b)(1)(C).
2. The magistrate judge acted within the authority delegated by the district court when she issued a Report and Recommendation on the referred motions; an R&R is not an order requiring consent to magistrate-judge jurisdiction over the civil action.
3. Rowe's motions for entry of final judgment in his favor and for a temporary restraining order and preliminary injunction were denied.
4. The United States was entitled to a narrowly crafted filing injunction requiring Rowe to obtain leave of court before submitting filings seeking to alter, amend, reopen, or take similar action concerning the Amended Judgment.

KEY QUOTATIONS

"It is not an order." (Opinion text)

"The Court adopts the R&R with one modification." (Opinion text)

FACTUAL BACKGROUND

The United States had obtained an Amended Judgment against Roger Rowe, which had been affirmed by the Second Circuit. Rowe filed motions seeking entry of final judgment in his favor and requesting a temporary restraining order and preliminary injunction. The United States sought an injunction barring Rowe from making further filings concerning the Amended Judgment without first obtaining leave of court.

PROCEDURAL HISTORY

Magistrate Judge Vera M. Scanlon issued an R&R recommending denial of Roger Rowe's motions and partial relief on the United States' request for a filing injunction. Rowe filed objections, including challenges to the magistrate judge's authority and jurisdiction. The district court reviewed the objections, treated the general objections under clear-error review and the specific objection de novo, adopted the R&R with one modification, entered the filing injunction in full, and closed the case.

DISPOSITION

other

CASES CITED

- *Norman v. Metropolitan Transportation Authority*, 13-CV-1183, 2014 WL 4628848, at *1 (E.D.N.Y. Sept. 15, 2014)
- *SBC 2010-1, LLC v. Morton*, 552 F. App'x 9, 12-13 (2d Cir.)

OPINION

Rowe

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

[illegible]

UNITED STATES OF AMERICA,

V. ORDER

; 19-CV-5770 (WFK)

ROGER ROWE,

Defendant. : eee nnn nnn eee □□□ neem WILLIAM F. KUNTZ, IU, United States District Judge:

On February 27, 2025, the Honorable Magistrate Judge Vera M. Scanlon issued a Report and Recommendation (“R&R”) regarding: (1) Defendant Roger Rowe’s motions for entry of final judgment in his favor and for entry of a temporary restraining order and a preliminary injunction, see ECF Nos. 58-59; and (2) Plaintiff United States’s motion for entry of an injunction barring Defendant from making any further filings without first obtaining leave of Court, see ECF No. 66. ECF No. 77. Magistrate Judge Scanlon recommended the Court deny Defendant’s motions and grant in part and deny in part Plaintiff’s motion, R&R at 1. On March 11, 2025, Defendant timely filed objections to the R&R, asserting, *inter alia*:

(1) Magistrate Judge Scanlon “exceeded her jurisdiction by issuing a decision and order in excess of the court’s directive which was to report or recommend”; (2) Magistrate Judge Scanlon ““was required to issue a report which recommend[ed] the issuance of a final judgment in favor of the Defendant”; and (3) Plaintiff “must be estoppel [sic] from depriving Defendant of his constitutional freedoms.” See generally Def.’s Objections to the R&R, ECF No. 78 (“Def.’s

Objections”). The Court adopts the facts and procedural history relevant to the instant motion as set forth in the R&R and otherwise assumes the parties’ familiarity with the background of this case. See R&R at 1-3. District courts reviewing an R&R “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1) (C). The Court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* “Where the objecting party makes only conclusory or general objections, or simply reiterates the original arguments, the Court will review the [R&R] strictly for clear error.” *Norman v. Metro, Transp. Auth.*, 13-CV-1183, 2014 WL 4628848, at *1 (E.D.N.Y. Sept. 15, 2014) (Matsumoto, J.) (internal citation and quotation marks omitted). Upon reviewing Defendant’s objections to the R&R, the Court finds Defendant generally “reiterates the original arguments” set forth in his self-styled opposition and cross-motion to compel an entry of final judgment in his favor, see ECF No. 58, and his motion for entry of a temporary restraining order and a preliminary injunction, see ECF No. 59. As for Defendant’s one new objection—that Magistrate Judge Scanlon “exceed[ed] the authority vested in her by the Court” by issuing the R&R, see Def.’s Objections at 4—Defendant is simply incorrect. This Court referred Defendant’s motions at ECF Nos. 58-59 and Plaintiffs motion at ECF No. 66 to Magistrate Judge Scanlon for the instant R&R. See Orders Referring Mots. at ECF Nos. 69, 76. Defendant argues Magistrate Judge Scanlon was “only authorized to report and recommend her findings not issue an order.” Def.’s Objections at 4. Defendant misconstrues the nature of an R&R. It is not an order. Magistrate Judge Scanlon was authorized to issue, and did issue, a report and recommendation, which this Court now reviews. Finally, Defendant similarly misunderstands the nature of the proceedings conducted by Magistrate Judge Scanlon. Defendant states he did not consent to magistrate judge jurisdiction for “a civil action or proceeding,” and erroneously cites Fed. R. Civ. P. 71 in support. But Magistrate Judge Scanlon ☐ did not conduct any such action or proceeding. See Fed. R. Civ. P. Rule 73. Accordingly, the Court ADOPTS the R&R with one modification. Although the R&R purports to grant in part and deny in part Plaintiff’s request for a filing injunction, the Court construes it as granting Plaintiff’s request in full, because the requested injunction is “narrowly crafted.” See R&R at 22 (quoting *SBC 2010-1, LLC v. Morton*, 552 F. App’x 9, 12-13 (2d Cir. 2013)). Accordingly, the Court DENIES Defendant’s motion for entry of final judgment in his favor; DENIES Defendant’s motion for entry of a temporary restraining order and for a preliminary injunction; and GRANTS Plaintiff’s motion for an injunction barring Defendant from making any further filings without first receiving leave from the Court. The Court specifically ENJOINS Defendant from submitting filings seeking to alter, amend, reopen, or take similar action in relation to the Amended Judgment against him. See ECF No. 37 (Amended Judgment); ECF No. 38 (USCA Mandate affirming the Amended Judgment). Should Defendant wish to pursue such relief from the Amended Judgment, Defendant must first request and obtain leave from the Court to do so. Defendant may request leave of Court by filing a one-page letter on ECF with a brief description of the nature of the proposed motion he seeks to

file. The Clerk of Court is respectfully directed to resolve all pending motions, close the case, and mail a copy of this Order and the docket to Defendant. ☐☐ Cepene. ☐ s/WFK

/ —~ HON. WILLIAM F. KUNTZ, II

UNITED STATES DISTRICT JUDGE

Dated: December 3, 2025 Brooklyn, New York

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