

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

Robert S. Stone, Jr. v. The State of New York, et al.

Stone · No. 24-CV-7600 · Decided January 12, 2026

OPINION

Robert S. Stone, Jr. v. The State of New York, et al.

PER CURIAM.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ROBERT S. STONE, Jr.,
Plaintiff, -against- Sua Sponte REPORT AND
RECOMMENDATION

THE STATE OF NEW YORK, et al., 24-CV-7600 Defendants. TISCIONE, United States Magistrate Judge: On November 30, 2024, Robert Stone (“Plaintiff”) filed a 306-page complaint against New York, New Jersey, Pennsylvania, Michigan, and President Donald Trump. See ECF No. 1. The largely incoherent complaint alleges generally that Covid era policies led to the death of nursing home residents. /d. § 1. On January 27, 2025, Plaintiff filed a 296-page amended complaint removing all Defendants except for the State of New York and the New York Commissioner of Transportation. See ECF No. 7. On February 14, 2025, New York requested an extension to file an answer. See ECF No.

11. Within the request, New York notified this Court that Plaintiff failed to properly serve the Commissioner of Transportation. /d. On February 19, 2025, this Court issued an order deferring on the motion and informing the parties the extension would be granted if no opposition was filed by February 24, 2025. See February 19, 2025, Order. Plaintiff failed to oppose the motion and on February 25, 2025, this Court issued an order granting New York’s request. See February 25, 2025, Order. On November 3, 2025, this Court held a telephone conference. See November 20, 2025, Scheduling Order. Plaintiff failed to appear. See ECF No. 15. This Court further noted: Given Plaintiff’s lack of action in over 8 months, the Court will give Plaintiff one last opportunity to participate in this case. Plaintiff is ordered to properly serve the Commissioner of Transportation and file proof of service on the docket no later than December 19, 2025. Failure to comply with this Order will result in this Court recommending that the case be dismissed for failure to prosecute. To date, Plaintiff has failed to comply with that order and has remained inactive in the case. “It is, of course, well established that dismissal pursuant to Fed.R.Civ.P. 41(b) for lack of prosecution or for failure to comply with an order of the court is a matter committed to the discretion of the district court[.]” *Harding v. Fed. Rsrv. Bank of New York*, 707 F.2d 46, 50

(2d Cir. 1983).

CONCLUSION

Accordingly, this Court respectfully recommends the District Court DISMISS this case for failure to prosecute and failure to comply with Court orders.

OBJECTIONS TO THIS REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b)(2) of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from service of this Report and Recommendation to file written objections. Failure to file timely objections shall constitute a waiver of those objections both in the District Court and on later appeal to the United States Court of Appeals. See *Marcella v. Cap. Dist. Physicians' Health Plan, Inc.*, 293 F.3d 42, 46 (2d Cir. 2002); *Small v. Sec'y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989); see also *Thomas v. Arn*, 474 U.S. 140 (1985). SO ORDERED. /s/ Steven Tiscione United States Magistrate Judge Eastern District of New York Dated: Central Islip, New York January 12, 2026 -2-