

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Jessica Yager v. United Access LLC; United Access LLC v. Jeff Curts

Yager · No. 26-CV-511 (JLS) (JJM) · Decided June 16, 2026

SUMMARY

The United States District Court for the Western District of New York adopts a magistrate judge’s recommendation not to sanction pro se Plaintiff Jessica Yager under Federal Rule of Civil Procedure 11. The court concludes that, because no objections were filed, de novo review was not required, and refers the case back to the magistrate judge for further proceedings.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	John L. Sinatra, Jr.
JURISDICTION	United States District Court for the Western District of New York
DECIDED	June 16, 2026
DOCKET	26-CV-511 (JLS) (JJM)
DISPOSITION	other
PROCEDURAL POSTURE	District-court review of an unobjected-to magistrate judge's Report and Recommendation recommending that sanctions not be imposed under Federal Rule of Civil Procedure 11.
STANDARD OF REVIEW	A district court may accept, reject, or modify a magistrate judge's findings and recommendations; de novo review is required for portions to which a party objects, but no review is required for portions to which no objections are made.
PRECEDENTIAL VALUE	Unknown

TOPICS

- sanctions
- civil procedure
- hostile work environment
- retaliation
- constructive discharge

PRACTICE AREAS

- civil procedure
- employment law
- sanctions

QUESTIONS PRESENTED

1. Whether the district court should review and adopt the magistrate judge's Report and Recommendation when neither party filed objections.
2. Whether sanctions should be imposed against Plaintiff under Federal Rule of Civil Procedure 11.

HOLDINGS

1. When neither party objects to a magistrate judge's recommendation, the district court is not required to conduct review under 28 U.S.C. § 636 or Federal Rule of Civil Procedure 72 and may accept and adopt the recommendation.
2. Sanctions should not be imposed against Plaintiff at this time, and the magistrate judge's recommendation to that effect was accepted and adopted.

KEY QUOTATIONS

“But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised.”

FACTUAL BACKGROUND

Plaintiff, proceeding pro se, alleged hostile work environment, retaliation, and constructive discharge. The magistrate judge ordered the parties to show cause why Plaintiff should not be sanctioned for repeatedly representing, including under penalty of perjury, that her Complaint did not mention federal statutes when it did. After receiving the parties' responses, the magistrate judge recommended that sanctions not be imposed at that time.

PROCEDURAL HISTORY

Plaintiff commenced the action in state court, alleging hostile work environment, retaliation, and constructive discharge under state and federal law. United Access LLC removed the action to the United States District Court for the Western District of New York, where the case was referred to Magistrate Judge Jeremiah J. McCarthy. After issuing a show-cause order concerning possible Rule 11 sanctions, the magistrate judge recommended that Plaintiff not be sanctioned at that time. Neither party objected, and the district court accepted and adopted the recommendation, declined to impose sanctions, and referred the case back to the magistrate judge.

DISPOSITION

other

REMAND INSTRUCTIONS

The case was referred back to Magistrate Judge Jeremiah J. McCarthy consistent with the referral order.

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 149-50 (1985)

OPINION

JESSICA YAGER v. UNITED ACCESS LLC; UNITED ACCESS LLC v. JEFF CURTS
PER CURIAM.

SAIES DISTRICF

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF NEW YORK Sy

JUN 16 2026

JESSICA YAGER,

Plaintiff,

Vv. 26-CV-511 (JLS) (JJM)

UNITED ACCESS LLC,

Defendant/Third Party Plaintiff, v.

JEFF CURTS,

Third Party Defendant.

DECISION AND ORDER

Pro se Plaintiff commenced this action on February 3, 2026, alleging hostile work environment, retaliation, and constructive discharge in violation of state and federal law. See Dkt. 1-1 at 6-9.1 Defendant United Access LLC removed the action to this Court on March 18, 2026. See Dkt. 1. The case has been referred to United States Magistrate Judge Jeremiah J. McCarthy for all proceedings under 28 U.S.C. §§ 636(b)(1)(A), (B), and (C). Dkt. 5. 1 Page numbers refer to the CM/ECF generated numbering in the header of each page. On April 15, 2026, Judge McCarthy issued a Report, Recommendation, and Order that, among other things, ordered the parties to show cause why Plaintiff should not be sanctioned pursuant to Fed. R. Civ. P. 11@)(8) for repeatedly telling the Court—including under penalty of perjury—that her Complaint did not mention federal statutes, when it did. Dkt. 14. Plaintiff and Defendants responded. See Dkt. 21-23 and 34-35. On May 26, 2026, Judge McCarthy issued a Report and Recommendation (“R&R”) recommending that Plaintiff not be sanctioned at this time. Dkt. 36 at 1. Neither party filed objections, and the time to do so has expired. See *id.* at 6. A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(8). A district court must conduct a de novo review of those portions of a magistrate judge’s recommendation to which a party objects. See 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(8). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). This Court carefully reviewed the R&R and, based on that review, and in the absence of any objections, the Court accepts and adopts Judge McCarthy’s recommendation. Accordingly, for the reasons in the R&R, sanctions will not be imposed upon Plaintiff at this time. The case is referred back to Judge McCarthy consistent with the referral order at Dkt. 5.

SO ORDERED. □

Dated: June 16, 2026 — Buffalo, New York / fo / yer 4 JOHN LrSINATRA, JR.
Ny STATES DISTRICT JUD

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