

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Christian Mercado a/k/a Debra Mercado v. Utomi Haidome

No. 24 Civ. 2784 (AT) (SLC) (S.D. N.Y. 2025) · No. 24 Civ. 2784 (AT) (SLC) · Decided December 1, 2025

SUMMARY

The Southern District of New York adopted a report and recommendation granting Defendant Utomi Haidome’s motion for summary judgment in Plaintiff Christian Mercado’s First Amendment free-exercise claim concerning Wiccan religious practice while detained at Rikers Island. Because no objections were filed, the court reviewed the report for clear error, found none, dismissed the claim with prejudice, and directed that the case be closed.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Analisa Torres
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	December 1, 2025
DOCKET	24 Civ. 2784 (AT) (SLC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved for summary judgment in a pro se First Amendment free-exercise action. The motion was referred to Magistrate Judge Sarah L. Cave for a report and recommendation. After no objections were filed, the district court reviewed the report and recommendation for clear error, adopted it, granted summary judgment, and dismissed the action with prejudice.
STANDARD OF REVIEW	Clear-error review of the report and recommendation because no objections were filed, pursuant to Federal Rule of Civil Procedure 72(b)(2).
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is not established in the source.

TOPICS

- summary judgment
- free exercise clause
- first amendment
- prisoners rights
- civil procedure

PRACTICE AREAS

Civil procedure

Constitutional law

Civil rights

Prisoner litigation

QUESTIONS PRESENTED

1. Whether the district court should review the magistrate judge's report and recommendation for clear error because no objections were filed.
2. Whether the court should adopt the report and recommendation and grant Haidome's motion for summary judgment.
3. Whether Mercado's First Amendment free-exercise claim should be dismissed with prejudice.

HOLDINGS

1. When no objection is filed to a magistrate judge's report and recommendation, the district court reviews the recommendation for clear error.
2. The court adopted the report and recommendation in its entirety and granted Haidome's motion for summary judgment.
3. Mercado's claim was dismissed with prejudice.

KEY QUOTATIONS

"The Court finds no clear error in Judge Cave's thorough and well-reasoned R&R. Accordingly, the Court ADOPTS the R&R in its entirety."

"Officer Haidome's motion for summary judgment is GRANTED. Mercado's claim is dismissed with prejudice."

FACTUAL BACKGROUND

Mercado alleged that Officer Haidome violated Mercado's First Amendment right to freely exercise the Wiccan religion while Mercado was detained pretrial at the Otis Bantum Correctional Center on Rikers Island in 2023. Haidome disputed the claim and moved for summary judgment, asserting failure to exhaust administrative remedies and failure of the claim as a matter of law.

PROCEDURAL HISTORY

Christian Mercado sued Utomi Haidome, alleging that Haidome violated Mercado's First Amendment right to freely exercise the Wiccan religion while Mercado was detained pretrial at Rikers Island. Haidome moved for summary judgment, arguing that Mercado failed to exhaust administrative remedies and that the claim failed as a matter of law. Magistrate Judge Cave recommended granting the motion and dismissing the claim with prejudice; because Mercado filed no objections, Judge Torres reviewed the recommendation for clear error, adopted it in its entirety, granted summary judgment, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Santiago v. Colvin, No. 12 Civ. 7052 (S.D.N.Y. Mar. 17, 2014)

OPINION

USDC SDNY UNITED STATES DISTRICT COURT DOCUMENT SOUTHERN DISTRICT OF NEW YORK ELECTRONICALLY FILED CHRISTIAN MERCADO a/k/a DEBRA DOC # Plaintiff, -against- 24 Civ. 2784 (AT) (SLC) UTOMI HAIDOME, ORDER ADOPTING REPORT AND Defendant. RECOMMENDATION ANALISA TORRES, District Judge: Plaintiff pro se, Christian Mercado a/k/a Debra Mercado, brings this action against Defendant, Utomi Haidome (“Officer Haidome”), alleging that Officer Haidome violated her First Amendment right to freely exercise her Wiccan religion while she was detained pretrial at the Otis Bantum Correctional Center at Rikers Island in 2023.

See generally Compl., ECF No. 1; Report and Recommendation (“R&R”), ECF No. 47 at 1-2, 4-5. Before the Court is Officer Haidome’s motion for summary judgment, in which he argues that Mercado has failed to exhaust her administrative remedies and that her claim fails as a matter of law. See Mot., ECF No. 30; see also ECF Nos. 31-33 (documents in support of Officer Haidome’s motion), ECF No. 39 (Mercado’s opposition).

The Court referred the motion to the Honorable Sarah L. Cave for a report and recommendation. ECF No. 36. After careful consideration, Judge Cave issued a report recommending that Officer Haidome’s motion be granted and that Mercado’s claim be dismissed with prejudice. See generally R&R. Despite notification of the right to object to the R&R, no objections were filed, and the time to do so has now passed.

See *id.* at 28-29; Fed. R. Civ. P. 72(b)(2). Because no objection was made, the Court reviews the R&R for clear error. *Santiago v. Colvin*, No. 12 Civ. 7052, 2014 WL 1092967, at *1 (S.D.N.Y. Mar. 17, 2014). The Court finds no clear error in Judge Cave’s thorough and well-reasoned R&R.

Accordingly, the Court ADOPTS the R&R in its entirety. Officer Haidome’s motion for summary judgment is GRANTED. Mercado’s claim is dismissed with prejudice. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 30, to mail a copy of this order to Plaintiff pro se, and to close the case. SO ORDERED. Dated: December 1, 2025 New York, New York ANALISA TORRES United States District Judge