

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK

Christian Javier Hawkins v. Frederick J. Akshar II and Cris
Mogenson

Hawkins · No. 9:25-cv-083 (BKS/TWD) · Decided February 11, 2026

SUMMARY

The United States District Court for the Northern District of New York adopted a magistrate judge’s Report-Recommendation after finding no clear error and no objections were filed. The court granted defendants’ motion to dismiss, dismissed the plaintiff’s § 1983 complaint, directed entry of judgment, and closed the case.

CASE DETAILS

COURT	United States District Court for the Northern District of New York
WRITING FOR THE COURT	Brenda K. Sannes
JURISDICTION	United States District Court for the Northern District of New York
DECIDED	February 11, 2026
DOCKET	9:25-cv-083 (BKS/TWD)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a pro se civil-rights action under 42 U.S.C. § 1983. After defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6), or alternatively for summary judgment, a magistrate judge recommended granting the motion. With no objections filed, the district court reviewed the Report-Recommendation for clear error, adopted it, granted the motion to dismiss, and dismissed the complaint.
STANDARD OF REVIEW	Clear-error review of an unobjected-to magistrate judge's Report-Recommendation under 28 U.S.C. § 636(b)(1), Federal Rule of Civil Procedure 72(b), and applicable precedent.
PRECEDENTIAL VALUE	unpublished district court memorandum decision
PARTIES	Christian Javier Hawkins v. Frederick J. Akshar II, Cris Mogenson

TOPICS

motions to dismiss

prisoners rights

section 1983

first amendment

fourteenth amendment

PRACTICE AREAS

civil procedure

civil rights

constitutional law

prisoner civil rights

QUESTIONS PRESENTED

1. Whether the district court should review the unobjected-to Report-Recommendation for clear error.
2. Whether the Report-Recommendation should be adopted and defendants' Rule 12(b)(6) motion granted, resulting in dismissal of the complaint.

HOLDINGS

1. When no objections are filed within the applicable period, the district court reviews the magistrate judge's Report-Recommendation for clear error.
2. The Report-Recommendation was adopted after the court found no clear error, defendants' motion to dismiss for failure to state a claim was granted, and the complaint was dismissed.

KEY QUOTATIONS

“Having reviewed the Report-Recommendation for clear error and having found none, adopts the Report-Recommendation.”

“Defendants’ Motion to Dismiss for failure to state a claim (Dkt. 24) is GRANTED; and it is further ORDERED that Plaintiff’s Complaint (Dkt. No. 1) is DISMISSED”

FACTUAL BACKGROUND

Christian Javier Hawkins was detained at the Broome County Correctional Facility and asserted claims arising from that detention. The claims surviving initial screening were brought under RLUIPA, the First Amendment's Free Exercise Clause, and the Fourteenth Amendment's Equal Protection Clause. Defendants sought dismissal, and Hawkins did not respond to the motion or object to the magistrate judge's recommendation.

PROCEDURAL HISTORY

The court previously screened the complaint under 28 U.S.C. §§ 1915(e)(2) and 1915A and allowed RLUIPA, First Amendment free-exercise, and Fourteenth Amendment equal-protection claims to proceed. Defendants moved to dismiss or alternatively for summary judgment, but plaintiff filed no opposition despite receiving extensions. Magistrate Judge Thérèse Wiley Dancks recommended dismissal, and the district court adopted that recommendation after clear-error review because no party objected.

DISPOSITION

dismissed

CASES CITED

- Petersen v. Astrue, 2 F. Supp. 3d 223, 228-29 (N.D.N.Y. 2012)

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK CHRISTIAN JAVIER HAWKINS, Plaintiff, 9:25-cv-083 (BKS/TWD) v. FREDERICK J. AKSHAR II and CRIS MOGENSEN, Defendants. Appearances: Plaintiff pro se: Christian Javier Hawkins 433681 Broome County Correctional Facility P.O. Box 2047 Binghamton, NY 13902-2047 For Defendants: Joshua T. Terrell Broome County Attorney's Office Broome County Office Building 60 Hawley Street P.O.

Box 1766 Binghamton, NY 13902-1766 Hon. Brenda K. Sannes, Chief United States District Judge: MEMORANDUM-DECISION AND ORDER Plaintiff Christian Javier Hawkins brought this action pro se asserting claims under 42 U.S.C. § 1983 arising out of his detention at the Broome County Correctional Facility. (Dkt. No. 1).

On February 27, 2026, the Court issued an order following its review of the complaint pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A. (Dkt. No. 9) The Court determined that the following claims survived review: Plaintiff's claim under the Religious Land Use and Institutionalized Persons Act (RLUIPA); (2) plaintiff's First Amendment free exercise claims; and (3) plaintiff's Fourteenth Amendment equal protection claims.

(Id., at 16-17). On July 3, 2025, Defendants moved to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim or, in the alternative, for Summary Judgment under Federal Rule of Civil Procedure 56(a). (Dkt. No. 24).

After the Court granted two extension of time, Plaintiff did not file a response. (Dkt. No. 26, 28). This matter was assigned to United States Magistrate Judge Thérèse Wiley Dancks who, on January 20, 2026, issued a Report- Recommendation, recommending that Defendants' motion to dismiss be granted. (Dkt. No. 29). Magistrate Judge Dancks informed the parties that they had fourteen days within which to file written objections to the report under 28 U.S.C. § 636(b)(1), and that the failure to object to the report within fourteen days would preclude appellate review.

(Id. at 13). No objections to the Report-Recommendation have been filed. As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. See Petersen v. Astrue, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

Having reviewed the Report-Recommendation for clear error and having found none, adopts the Report-Recommendation. For these reasons, it is hereby ORDERED that Magistrate Judge Dancks's Report-Recommendation (Dkt. No. 29) is ADOPTED; and it is further ORDERED that that Defendants' Motion to Dismiss for failure to state a claim (Dkt. 24) is GRANTED; and it is further ORDERED that Plaintiff's Complaint (Dkt.

No. 1) is DISMISSED; and it is further ORDERED that the Clerk shall enter judgment and close this case; and it is further ORDERED that the Clerk serve a copy of this Order on Plaintiff in accordance with the Local Rules. IT IS SO ORDERED. Dated: February 11, 2026 Syracuse, New York | (Oars Pron da (Sanr Brenda K. Sannes Chief U.S. District Judge

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