

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.

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