UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BRUCE INGRAHAM; and MOLLY INGRAHAM,

Plaintiffs,

v. 1:20-CV-1187 (GTS/ML)

PALENTINE MOTEL,

Defendant.

APPEARANCES:

BRUCE INGRAHAM
Plaintiff, *Pro Se*
2455 Route 9, Apt. 2
P.O. Box 861
Lake Pleasant, New York 12108

MOLLY INGRAHAM
Plaintiff, *Pro Se*
2455 Route 9, Apt. 2
P.O. Box 861
Lake Pleasant, New York 12108

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by Bruce Ingraham and Molly Ingraham ("Plaintiffs") against the Palentine Motel in Palentine Bridge, New York ("Defendant"), pursuant to 42 U.S.C. § 1983, is United States Magistrate Judge Miroslav Lovric's Report-Recommendation recommending that Plaintiffs' Complaint be *sua sponte* dismissed, with leave to replead, for failure to state a claim and frivolousness pursuant to 28 U.S.C. § 1915(e)(2)(B). (Dkt. No. 11.) Plaintiffs have not filed an objection to the Report-Recommendation, and the time in which to do so has expired. (*See generally* Docket

Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Judge Lovric's thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.[1] Magistrate Judge Lovric employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein, and Plaintiffs' Complaint shall be dismissed with prejudice (and without further Order of the Court) unless, within thirty days of the date of this Decision and Order, Plaintiffs file an Amended Complaint that corrects the pleading defects identified in the Report-Recommendation.

Finally, the Court notes that, in the past four years, Plaintiffs have filed seven actions in this Court. *See Ingraham v. Red Carpet Hous., Corp.*, 1:17-CV-1076 (GLS/CFH); *Ingraham v. Cuomo*, 1:20-CV-0147 (TJM/CFH); *Ingraham v. Mayfield State Troopers*, 1:20-CV-1186 (GLS/TWD); *Ingraham v. Palentin*, 1:20-CV-1187 (GTS/ML); *Ingraham v. Casey*, 1:20-CV-1188 (DNH/CFH); *Ingraham v. Saint Mary Hosp.*, 1:20-CV-1189 (MAD/CFH); *Ingraham v. Hartford Conniceut Ins.*, 1:20-CV-1190 (GLS/DJS). Complaints in five of those actions have been dismissed for failure to state a claim and/or frivolousness (with the complaint in the two other actions apparently not having yet been reviewed for their pleading sufficiency). *See Ingraham v. Red Carpet Hous., Corp.*, 1:17-CV-1076 (GLS/CFH); *Ingraham v. Cuomo*,

[1] When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; *see also Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).

1:20-CV-0147 (TJM/CFH); *Ingraham v. Mayfield State Troopers*, 1:20-CV-1186 (GLS/TWD); *Ingraham v. Palentin*, 1:20-CV-1187 (GTS/ML); *Ingraham v. Hartford Conniceut Ins.*, 1:20-CV-1190 (GLS/DJS). Plaintiffs are respectfully cautioned that they are fast becoming abusive litigants. If they continue their abusiveness, they will be directed to show cause why they should not be barred from proceeding filing future actions *pro se* (i.e., without counsel) without prior leave of the Court.

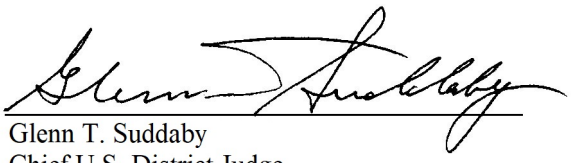
ACCORDINGLY, it is

ORDERED that Magistrate Judge Lovric's Report-Recommendation (Dkt. No.11) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiffs' Complaint (Dkt. No. 1) **shall be DISMISSED with prejudice** (and without further Order of the Court) **UNLESS**, **within THIRTY (30) DAYS** of the date of this Decision and Order, Plaintiffs file an **Amended Complaint** that corrects the pleading defects identified in the Report-Recommendation; and it is further

ORDERED that, should Plaintiffs file an Amended Complaint, it shall be referred to Magistrate Judge Lovric for review of its pleading sufficiency.

Dated: April 9, 2021
Syracuse, New York



Glenn T. Suddaby
Chief U.S. District Judge