

S.D.N.Y. – N.Y.C.
19-cv-2039
Liman, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 27th day of December, two thousand twenty-one.

Present:

José A. Cabranes,
Raymond J. Lohier, Jr.,
William J. Nardini,
Circuit Judges.

Bart J. Tarulli,

Plaintiff-Appellant,

v.

21-1253

Ameriprise Financial Services,

Defendant-Appellee.

Appellant, pro se, moves for in forma pauperis (“IFP”) status. Upon due consideration, it is hereby ORDERED that the IFP motion is DENIED and the appeal is DISMISSED because it “lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *see also* 28 U.S.C. § 1915(e).

FOR THE COURT:
Catherine O’Hagan Wolfe, Clerk of Court

Catherine O'Hagan Wolfe


UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 10th day of February, two thousand twenty-two,

Present: José A. Cabranes,
 Raymond J. Lohier, Jr.,
 William J. Nardini,
 Circuit Judges.

Bart J. Tarulli,
Plaintiff - Appellant,

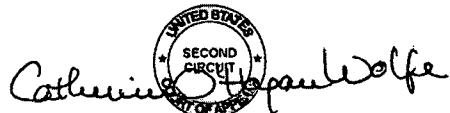
ORDER
Docket No. 21-1253

v.
Ameriprise Financial Services,
Defendant - Appellee.

Bart J. Tarulli filed a motion for reconsideration and the panel that determined the motion has considered the request.

IT IS HEREBY ORDERED, that the motion is denied.

For The Court:
Catherine O'Hagan Wolfe,
Clerk of Court


Catherine O'Hagan Wolfe



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BART J. TARULLI,

Plaintiff,

USDC SDNY
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DOC #:
DATE FILED: 9/24/2020

-V-

AMERIPRISE FINANCIAL SERVICES.

Defendant.

19-cv-2039 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Defendant Ameriprise Financial Services, Inc. (“Defendant”) moves to dismiss the petition to vacate a FINRA arbitration filed by petitioner Bart J. Tarulli (“Petitioner”). *See* Dkt. No. 6. The Court grants the motion and dismisses the petition as untimely for the reasons stated in Judge Wang’s Report and Recommendation, at Dkt. No. 22, which the Court adopts.

In reviewing a magistrate judge's report and recommendation, a district court must make "a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). However, if a party "makes only conclusory or general arguments, or simply reiterates the original arguments, the Court will review the [r]eport strictly for clear error." *Terio v. Michaud*, 2011 WL 2610627, at *1 (S.D.N.Y. June 27, 2011) (quotation omitted); *see also Mario v. P&C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002).

To the extent that Petitioner now argues that he verified his petition prior to February 12, 2019 and served it on Ameriprise prior to February 13, 2019, those unsupported assertions are raised for the first time before me, are inconsistent with Petitioner's arguments before Judge

Wang, and are therefore not only conclusory but untimely. *See, e.g., Santiago v. City of New York*, 2016 WL 5395837, at *1 (E.D.N.Y. Sept. 27, 2016), aff'd, 697 Fed. Appx. 36 (2d Cir. 2017) (quotation omitted). The balance of Petitioner's objections to the report are also conclusory and general, under which circumstances the Court reviews the report and recommendation only for clear error. *See, e.g. Terio*, 2011 WL 2610627, at *1. In any event, and regardless of the standard of review, Petitioner does not identify any errors, much less clear errors, in Judge Wang's decision. Therefore, Defendant's motion to dismiss at Dkt. No. 6 is GRANTED. The Clerk of Court is respectfully directed to close the case.

SO ORDERED.

Dated: September 24, 2020
New York, New York



LEWIS J. LIMAN
United States District Judge