

1 UNITED STATES COURT OF APPEALS  
2  
3 FOR THE SECOND CIRCUIT  
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6  
7 August Term, 2007

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9 (Argued: July 17, 2008

Decided: July 25, 2008)

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11 Docket No. 07-0408-cv  
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15 PHENOL CLAUDE,

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17 *Plaintiff-Appellant,*

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19 – v. –

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21 RONALD D. PEIKES, COUNTRYWIDE HOME LOANS, INC.,

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23 *Defendants-Appellees.*  
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27 Before: NEWMAN, CALABRESI, and PARKER, *Circuit Judges.*  
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31 Appeal from a Judgment of the United States District Court for the District of  
32 Connecticut (Nevas, *J.*) approving the magistrate judge’s recommendation that Plaintiff’s claims  
33 be dismissed.

34 AFFIRMED.  
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1 PHENOL CLAUDE, Hampton, Conn., *pro se*.

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3 MICHAEL A. GEORGETTI, Hartford, Conn., *for Defendant-*  
4 *Appellee Ronald D. Peikes*

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6 Zeichner Ellman & Krause LLP, Greenwich, Conn., *for Defendant-*  
7 *Appellee Countrywide Home Loans*.

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10 PER CURIAM:

11 Plaintiff-Appellant Claude Phenol appeals *pro se* from a District Court order adopting the  
12 recommendation of the magistrate judge and dismissing his claims against Defendant-Appellees  
13 on the grounds that his claims are time-barred and hence subject to dismissal under Federal Rule  
14 of Civil Procedure 12(b)(6). We affirm the decision of the District Court for essentially the  
15 reasons given by the magistrate judge.

16 Appellant argues that the District Court did not meet its statutory duty to review the  
17 magistrate's recommendation *de novo*. There is, however, nothing to suggest that the district  
18 court did anything less. In similar cases, the Eighth and the Tenth Circuits have persuasively  
19 argued that we should "presume that the district court has made a *de novo* review unless  
20 affirmative evidence indicates otherwise." *Hosna v. Goose*, 80 F.3d 298, 306 (8th Cir. 1996);  
21 *see also Bratcher v. Bray-Doyle Indep. Sch. Dist.*, 8 F.3d 722, 724 (10th Cir. 1993) (stating that a  
22 district court is presumed to have conducted a *de novo* review of a magistrate judge's report and  
23 recommendation "absent some clear indication otherwise"). For substantially the reasons given in  
24 those opinions, we adopt the same rule here.

25 We have considered all of Appellant's arguments and found them meritless. Accordingly  
the judgment of the District Court is AFFIRMED.