## UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

RHONDA McBEE,

Plaintiff,

v.

SECURITY CREDIT SYSTEMS,

Defendant.

Civil Action Number: 2:09-02764

**OPINION** 

HON. WILLIAM J. MARTINI

## **OPINION**

Before the Court is the report and recommendation of the Magistrate Judge below recommending granting Defendant Security Credit Systems' motion to dismiss. The basis for the recommendation was Plaintiff's failure to comply with discovery obligations, even after an express warning from the Court that should she continue to fail to comply she risked dismissal of her action with prejudice. Even after being warned, Plaintiff did not comply with her discovery obligations. Thereafter, Defendant filed a motion to dismiss. Plaintiff filed no opposition brief and Plaintiff filed no objections to the Magistrate Judge's report and recommendation.

With respect to dispositive motions, such as Plaintiff's motion to dismiss, the district

court must make a de novo determination of those portions of the magistrate judge's Report

to which a litigant has filed an objection. See 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b);

L. Civ. R. 72.1(c)(2). When no objections are made in regard to a report or parts thereof, the

District Court will adopt the report and accept the recommendation if it is "satisf[ied] ... that

there is no clear error on the face of the record." Fed. R. Civ. P. 72 Advisory Committee's

Notes (citation omitted); see Peerless Ins. Co. v. Ambi-Rad, Ltd., Civil Action No. 07-5402,

2009 WL 790898, at \*3 (D.N.J. 2009).

Having examined the report and recommendation and the filings of the parties, the

Court is satisfied that the Magistrate Judge below correctly applied *Poulis v. State Farm &* 

Cas. Co., 747 F.3d 863 (3d Cir. 1984), to the facts of this case. The sanction of dismissal was

appropriate where, as here, Plaintiff failed to comply with her discovery obligations after

having been expressly warned that failure risked dismissal of her action.

The Court ADOPTS the report and recommendation, GRANTS the motion, and

**DISMISSES** this action.

An appropriate order follows.

s/ William J. Martini

William J. Martini, U.S.D.J.

**DATE: March 29, 2010** 

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