

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

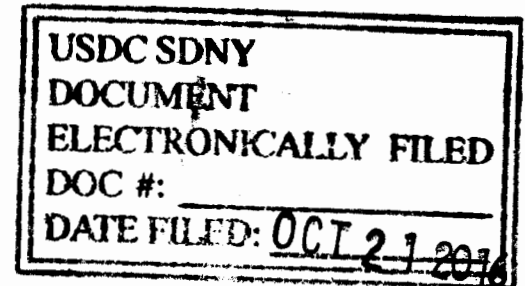
----- x
HENRY BROOKS,

Plaintiff,

-against-

NORMAN SEABROOK,

Defendant.
----- x



MEMORANDUM DECISION
AND ORDER

13 Civ. 9210 (GBD) (KNF)

GEORGE B. DANIELS, United States District Judge:

Before this Court is Magistrate Judge Fox's Report and Recommendation ("Report," ECF No. 9) recommending that this Court dismiss this action without prejudice for failure to serve the complaint and prosecute this action. This Court adopts the Report in its entirety.

This Court may accept, reject, or modify, in whole or in part, the findings set forth in the Report. 28 U.S.C. § 636(b)(1)(C). When no party files objections to a Report, the Court may adopt the Report if "there is no clear error on the face of the record." *Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)); *Wilds v. United Parcel Service, Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) ("To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record" (internal citations and quotation marks omitted)).


Magistrate Judge Fox advised the parties that failure to file timely objections to the Report would constitute a waiver of those objections on appeal. (Report at 2); *see also* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b). As of the date of this Order, no objection to the Report has been filed. The Report contains no clear error of law and is adopted by this Court.

For the reasons stated in Magistrate Judge Fox's Report and Recommendation at ECF No. 9, this action is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

The Clerk of Court is ordered to close this case.

Dated: New York, New York
October 21, 2016

SO ORDERED:



GEORGE B. DANIELS
United States District Judge