

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MICHAEL FIGUEROA,	)	
Plaintiff,	)	
	)	
v.	)	
	)	C.A. No. 15-14113-MLW
CROWN EQUIPMENT CORP.,	)	
Defendant.	)	
	)	
	)	

MEMORANDUM AND ORDER

WOLF, D.J.

October 23, 2017

On September 24, 2015, plaintiff Michael Figueroa filed this case in the Massachusetts Superior Court alleging that defendant manufactured and supplied a pallet jack used at Figueroa's place of employment, where he worked as a laborer for Digipress, Inc. Plaintiff alleged that he was injured when the pallet jack, which was being operated by a co-worker, malfunctioned and struck him in the lower right side. He claimed negligence and breach of the implied warranty of merchantability. Defendant removed the case to this court, where it was referred to Magistrate Judge Page Kelley.

The Magistrate Judge issued a scheduling order which required, among other things, that initial disclosures be made by December 14, 2016. On December 19, 2016, defendant served interrogatories and document requests. The plaintiff never made initial disclosures and did not respond to the interrogatories of document requests. On April 19, 2017, the Magistrate Judge granted

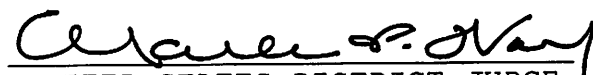
defendant's motion to compel and ordered plaintiff to do so within ten days. Plaintiff, however, did not comply with that order.

Defendants moved to dismiss pursuant to Federal Rule of Civil Procedure 37(b)(2)(A)(v). Plaintiff did not oppose the motion. Accordingly, the Magistrate Judge issued a report recommending that it be allowed.

The time period for objections to the Report and Recommendation has expired. Plaintiff did not file any objections. Therefore, he is not entitled to review of the Report and Recommendation. Borden v. Sec'y of Health & Human Servs., 836 F. 2d 4, 6 (1st Cir. 1987); Thomas v. Arn, 474 U.S. 140, 149-50 (1985). In any event, the court has reviewed the Magistrate Judge's reasoning and finds it to be thorough, thoughtful, and persuasive. Therefore, the recommendation to allow defendant's motion to dismiss is being adopted.

In view of the foregoing, it is hereby ORDERED that:

1. The Magistrate Judge's Report and Recommendation (Docket No. 26) is ADOPTED and INCORPORATED pursuant to 28 U.S.C. §636.
2. The Motion to Dismiss (Docket No. 25) is ALLOWED. This case is DISMISSED.

  
UNITED STATES DISTRICT JUDGE