

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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JONATHAN RAMOS,)
)
Plaintiff,)
)
v.)
	Civil Action No. 17-30050-MGM)
)
CITY OF SPRINGFIELD, POLICE OFFICER)
MATTHEW RIEF, COMMISSIONER JOHN R.)
BARBIERI, MAYOR DOMENIC J. SARNO,)
and OFFICER HERMINIO RIVAS, Jr.,)
)
Defendants.)
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MEMORANDUM AND ORDER RE: REPORT AND
RECOMMENDATION REGARDING CITY OF SPRINGFIELD
AND MAYOR DOMENIC SARNO’S MOTION TO DISMISS
FOR FAILURE TO PROVIDE DISCOVERY
(Dkt. Nos. 53, 66)

January 6, 2021

Magistrate Judge Katherine A. Robertson has recommended that this court deny the motion to dismiss for failure to prosecute filed by Defendants City of Springfield and Mayor Domenic J. Sarno, but that the court instead impose a monetary sanction on Plaintiff’s counsel, payable to the court, of \$1,000 for failing to prosecute this action and noncompliance with a court order. In short, Judge Robertson concluded that Plaintiff’s conduct in failing to prosecute this action—including noncompliance with a court order requiring a status report regarding a state-court criminal proceeding and discovery delays—“merits a sanction, but . . . does not merit the extreme sanction of dismissal with prejudice.” (Dkt. No. 66 at 6.) The Report and Recommendation notified the parties that they had fourteen days to file any objections. No objections were filed.

Based upon the thorough analysis presented in the Report and Recommendation, and noting

there are no objections, the court, upon *de novo* review, hereby ADOPTS the Report and Recommendation. (Dkt. No. 66.) Based upon this, Defendants' motion to dismiss (Dkt. No. 53) is hereby DENIED. In addition, Plaintiff's counsel is hereby assessed the less severe sanction of court costs in the amount of \$1,000.00, due and payable to "Clerk, U.S. District Court."

It is So Ordered.

/s/ Mark G. Mastroianni
MARK G. MASTROIANNI
United States District Judge