

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NAVEEN KUMAR CHELEKAPALLI, :

Plaintiff, :

v. :

SRUTHI RAMAGIRI, :

Defendant. :

Civil Action No. 07-1845 (SRC)

OPINION

CHESLER, District Judge

This matter comes before the Court upon the request filed by Plaintiff Naveen Kumar Chelekappalli (“Plaintiff”) for default judgment against Defendant Sruthi Ramagiri (“Defendant”), pursuant to Fed.R.Civ.P. 55(b)(2) [docket items # 4 and 5]. Also before the Court is the April 2, 2009 Report and Recommendation (“April 2, 2009 R&R”) [docket item # 13] issued by United States Magistrate Judge Michael A. Shipp pursuant to 28 U.S.C. § 636(b)(1).

On Plaintiff’s request, the Clerk of the Court entered default against Defendant on July 11, 2007. On or about August 7, 2007, Plaintiff requested that the matter be scheduled for a proof hearing. This Court referred the matter to the magistrate judge for an evidentiary hearing to establish the amount of damages, pursuant to 28 U.S.C. § 636(b)(1)(B). On April 2, 2009, Judge Shipp issued a Report and Recommendation, pursuant to FED. R. CIV. P. 72(b), L. CIV. R. 72.1(a)(2), and 28 U.S.C. § 636(b)(1)(B).

Title 28 U.S.C. § 636(b)(1)(C) provides that within 10 days of service of the magistrate judge’s recommended disposition, any party to the action may file specific written objections

to the magistrate judge's proposed findings and recommendations. The statute also provides that a district judge must conduct a de novo review of those portions of the magistrate judge's R&R to which objection is made.

The time for filing objections to the April 2, 2009 R&R has expired, and no objections to the April 2, 2009 R&R have been filed. This Court has reviewed the April 2, 2009 R&R and agrees with the findings of the April 2, 2009 R&R. Defendant's failure to appear in this lawsuit and to defend against Plaintiff's claims warrants entry of judgment by default pursuant to Federal Rule of Civil Procedure 55(b)(2). The Court, however, is satisfied that Plaintiff has failed to provide prima facie proof of the damages related to his claims. It finds that an award to Plaintiff of nominal damages in the amount of \$1.00 is therefore appropriate and just. Moreover, no punitive damages will be awarded, as Plaintiff has failed to demonstrate that he is entitled to such an award.

For the foregoing reasons, the April 2, 2009 R&R is hereby adopted as the Opinion of this Court. The Court will enter default judgment in favor of Plaintiff in the amount of \$1.00 in nominal damages. The Court will enter an appropriate Order.

s/ Stanley R. Chesler
STANLEY R. CHESLER, U.S.D.J.

Dated: May 8, 2009