UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK	
ROBERT D'ONOFRIO,	X
Plaintiff, -against-	NOT FOR PUBLICATION ORDER
CITY OF NEW YORK; NEW YORK CITY POLICE DEPARTMENT; LT. PATRICIA FEELY, both in her individual and official capacity; STEAMFITTERS' UNION LOCAL 638; JOHN TORPEY, President of Local 638, both in his individual and official capacity; ROBERT BARTELS, Business Agent 638, both in his individual and official capacity; CHARLES KRASS, Business Agent 638, both in his individual and official capacity; THOMAS INCANTALUPO, Shop Steward 638, both in his individual and official capacity; NYC OFFICE OF LABOR RELATIONS,	07-CV-0731 (CBA)(LB)
Defendant.	
ROBERT D'ONOFRIO,	X
Plaintiff, -against-	09-CV-3970 (CBA)(LB)
STEAMFITTERS' UNION LOCAL 638,	
Defendant.	
AMON, United States District Judge:	X
This Court has received the Report and Rec	ommendation of the Honorable Lois Bloom,
United States Magistrate Judge, dated September 1	3. 2010, recommending that this Court grant

the defendant's motion for summary judgment as to docket number 07-CV-0731 and remanding

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docket number 09-CV-3970 to the Civil Court of the City of New York, Kings County, on the

ground that the Court lacks subject matter jurisdiction over the action. The parties were granted

fourteen (14) days from service of the Report to file written objections. As no party has objected

as of this date, the Court hereby adopts the recommendation of June 28, 2010. Accordingly, as to

docket number 07-CV-0731, defendant's motion for summary judgment is granted and plaintiff's

action is dismissed with prejudice. As to docket number 09-CV-3970, the case is remanded to

the Civil Court of the City of New York, Kings County.

The Clerk of the Court is directed to enter judgment in accordance with this Order as to

docket number 07-CV-0731 and close the case.

SO ORDERED.

Dated:

Brooklyn, New York

November 3, 2010

s/Carol Bagley Amon

Carol Bagley Amon

United States District Judge

Copy mailed to: Robert J. D'Onofrio 103 Bay 8th Street Brooklyn, New York 11228