

BZF

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DAVID HUTCHINSON,

Plaintiff,

-against-

ORDER

07 CV 841 (RJD) (CLP)

CITY OF NEW YORK, et al.,

Defendants.

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DEARIE, Chief Judge.

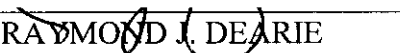
On February 8, 2010, Magistrate Judge Cheryl Pollak filed a Report and Recommendation in accordance with 28 U.S.C. § 636(b), recommending that plaintiff's motion to amend the complaint for a second time to add claims against Officers Carmello and Breston be denied as time-barred. No objections have been filed.

The Court has reviewed the matter, and adopts the **Report and Recommendation** in its entirety and without qualification. Plaintiff knew the identity of the officers he seeks to add as evidenced by their inclusion in paragraph 97 of the original and first amended complaint. Thus, the requirement set forth in Rule 15(c)(1)(C)(ii) of the Federal Rules of Civil Procedure for relation back to the original pleading is not satisfied, and the amended complaint is time-barred.

SO ORDERED.

Dated: Brooklyn, New York
April 7, 2010

s/ Judge Raymond J. Dearie


RAYMOND J. DEARIE
United States District Judge