UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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YVONNE T. NEWMAN,

Plaintiff,

-against-

EDUCATIONAL CREDIT MANAGEMENT CORPORATION and WAGE WITHHOLDING ADMINISTRATOR,

Defendants.
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NOT FOR PUBLICATION
ORDER
08-CV-3871 (CBA)

AMON, United States District Judge:

Plaintiff filed this *pro se* action against defendants, Educational Credit Management Corporation and Wage Withholding Administrator (collectively, "ECMC"), claiming that the defendants were improperly garnishing her wages for a student loan she did not receive. ECMC moved to dismiss the complaint for failure to state a claim upon which relief can be granted under Federal Rule of Civil Procedure 12(b)(6). This motion was referred to the Honorable Lois Bloom, United States Magistrate Judge for the Eastern District of New York. On May 19, 2009, Judge Bloom issued a Report and Recommendation ("R&R"), recommending that defendants' motion be granted and that plaintiff be permitted twenty (20) days to amend her complaint to establish—if she can so establish—that she has filed an adversary proceeding with the bankruptcy court and obtained an "undue hardship" discharge of her student loans. Objections were due, at the latest, on June 8, 2009.

The time for filing objections has expired, and no objections have been made. In reviewing a magistrate judge's R&R where no timely objection has been made, the "court need

only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). Having reviewed the thoroughly reasoned R&R of Magistrate Judge Bloom and finding no clear error, the Court hereby adopts the R&R in its entirety.[1] Accordingly, defendant's motion to dismiss is granted. Plaintiff is given 20 days from the entry of this Order to file an amended complaint should she be able to establish that she has received an undue hardship discharge of her student loans. Should plaintiff fail to file an amended complaint within 20 days, or should the amended complaint fail to establish that she had received an undue hardship discharge, her case will be dismissed.

SO ORDERED.

Dated: Brooklyn, New York
June 26, 2009

/S/
Carol Bagley Amon
United States District Judge

[1]The Court notes one minor exception: on page 2 of the R&R, the reference to "August 27, 2009," as the date of plaintiff's discharge of debt is presumably intended to be "August 27, 2007."