

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALI ISONG,

ORDER

Plaintiff,

08-CV-4011 (NGG)(LB)

-against-

THE CITY OF NEW YORK; P.O.
CHARLENE VAZQUEZ, Shield # 20504;
SGT. HENG PEOU, Shield # 05199;
SUPERVISING OFFICER(S) 79TH
PRECINCT; and DEPARTMENTAL
SUPERVISING OFFICER(S),

Defendants.

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NICHOLAS G. GARAUFIS, United States District Judge.

By Report and Recommendation dated July 16, 2009 ("R&R"), Magistrate Judge Lois Bloom has recommended that the court dismiss Plaintiff's Complaint pursuant to Federal Rules of Civil Procedure 16(f) and 37(b)(2)(A)(v). Under Rule 16(f), a court may sua sponte issue "any just orders, including those authorized by Rule 37(b)(2)(A)(ii)-(vii)," if, inter alia, a party "fails to appear at a scheduling or other pretrial conference" or "fails to obey a scheduling or other pretrial order." Under Rule 37(b)(2)(A)(v), the court may dismiss a complaint if a party fails to comply with a court order. Judge Bloom has recommended dismissal because Plaintiff failed to appear at a court-ordered July 13, 2009 conference. (R&R 2.) Prior to that failure to appear, Plaintiff had failed to appear at another court-ordered conference; Judge Bloom therefore warned Plaintiff that his failure to appear at the July 13, 2009 conference would result in a dismissal recommendation. (Id.)

In her R&R, Judge Bloom further warned Plaintiff that he had ten days in which to file objections to the R&R, and that failure to file such objections would result in waiver of further

judicial review. (R&R 3.) More than five months have elapsed since the R&R and Plaintiff has not filed any objections or otherwise contacted the court. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72 , the court has reviewed Judge Bloom's R&R and adopts it in full. The docket sheet reflects that Judge Bloom's orders and warnings were mailed to Plaintiff at the address he provided to the court. (See Docket Entries ## 30-34.) Because Plaintiff has been warned that "noncompliance can result in dismissal," and has nonetheless failed to appear or to object to the R&R, dismissal is an appropriate sanction. Valentine v. Museum of Modern Art, 29 F.3d 47, 49 (2d Cir. 1994).

The case is therefore dismissed and the Clerk of Court is directed to close the case.

SO ORDERED.

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s/Nicholas G. Garaufis

Dated: Brooklyn, New York
December 94, 2009

NICHOLAS G. GARAUFIS
United States District Judge