

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHAEL ENG,

Plaintiff,

-against-

ORDER

10-CV-6032 (NGG) (MDG)

THE CITY OF NEW YORK, LT. DANTINI, P.O.
KEVIN TIERNEY, P.O., POLICE OFFICERS JOHN
DOE and RICHARD ROE (names and numbers of whom
are unknown at present) and other unidentified members
of the New York City Police Department,

Defendants.

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NICHOLAS G. GARAUFIS, United States District Judge.

Plaintiff Michael Eng brought this action against the City of New York and several named and unnamed members of the New York City Police Department. (Compl. (Docket Entry # 1).) He asserts claims of false arrest, malicious prosecution, and excessive force, pursuant to 42 U.S.C. § 1983, and claims of negligent infliction of emotional distress and negligent hiring, training, retention, and supervision, pursuant to New York law. (Id.) Defendants the City of New York, Police Officer Kevin Tierney, and Lieutenant Roderick Dantini, the only Defendants who were served with the summons and Complaint, have moved for summary judgment pursuant to Federal Rule of Civil Procedure 56. (See Def. Mem. (Docket Entry # 12).) The court had previously ordered that Defendants' motion, once fully briefed, would be referred to Magistrate Judge Marilyn D. Go for a report and recommendation ("R&R"), pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b)(1). (Oct. 27, 2011, Order.)

On September 12, 2012, Judge Go issued her R&R recommending that Defendants' motion for summary judgment be granted and that Plaintiff's Complaint be dismissed. (R&R (Docket Entry # 21) at 17-18.) No party has objected to Judge Go's R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). Accordingly, the court reviews the R&R for clear error. See La Torres v. Walker, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000); Gesualdi v. Mack Excavation & Trailer Serv., Inc., No. 09-CV-2502 (KAM) (JO), 2010 WL 985294, at *1 (E.D.N.Y. Mar. 15, 2010); cf. 28 U.S.C. § 636(b)(1).

The court has reviewed Judge Go's R&R for clear error and finds none. Accordingly, the court ADOPTS the R&R in its entirety. See Porter v. Potter, 219 F. App'x 112, 112-13 (2d Cir. 2007). Defendants' motion for summary judgment is GRANTED. The Complaint is DISMISSED WITH PREJUDICE as to Defendants' the City of New York, Police Officer Kevin Tierney, and Lieutenant Roderick Dantini, pursuant to Federal Rule of Civil Procedure 56. The Complaint is DISMISSED WITHOUT PREJUDICE against the unnamed Defendants—who have not been served—pursuant to Federal Rule of Civil Procedure Rule 4(m). The Clerk of Court is directed to enter judgment and close this case.

SO ORDERED.

Dated: Brooklyn, New York
September 30, 2012

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge