

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOHN HAMLETT,

Plaintiff,

-against-

CORRECTION CAPTAIN JEAN WIDTZLER and
CORRECTION OFFICER FRANK GAETA,

Defendants.
-----X

AMON, Chief United States District Judge.

NOT FOR PUBLICATION
MEMORANDUM & ORDER
11-CV-03106 (CBA) (MDG)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 29 2013 ★

BROOKLYN OFFICE

On June 13, 2011, John Hamlett, appearing pro se, filed this action pursuant to 42 U.S.C. § 1983, asserting claims of excessive force against defendants for injuries allegedly inflicted at Rikers Island Correctional Facility ("Rikers") on July 9, 2008. In a separate action filed in the United States District Court for the Southern District of New York on June 6, 2011, Hamlett asserted claims for injuries allegedly inflicted by other corrections officers at Rikers on July 13, 2008. Defendant Widtzler moves to transfer venue to the Southern District of New York pursuant to 28 U.S.C. § 1404(a) in an attempt to consolidate the two actions. Before the Court is Magistrate Judge Marilyn Go's Report and Recommendation issued March 8, 2013 ("R&R") recommending that the Court deny defendant's motion.

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt a R&R, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). To accept those portions of the R&R to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and

citation omitted). The Court has reviewed the record and, finding no clear error, hereby adopts Magistrate Judge Go's R&R as the opinion of the Court. Accordingly, defendant Widtzler's motion to transfer venue is denied.

SO ORDERED.

Dated: Brooklyn, New York
March 28, 2013

s/Carol Bagley Amon

Carol Bagley Amon /
Chief United States District Judge