

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

XSTRIX, LLC, I.S. WINGS, LLC, E.M. WINGS, LLC,
F.D. WINGS, LLC and F.M. WINGS, LLC,

Plaintiffs,

-against-

GE CAPITAL COMMERCIAL OF UTAH, LLC
and GE CAPITAL CORP.,

Defendants.

ORDER
CV-11-4403(SJF)(WDW)
FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E D N Y

★ JUN 04 2012 ★

FEUERSTEIN, J.

X LONG ISLAND OFFICE

Pending before the Court is the Report and Recommendation ("the Report") of Magistrate Judge William D. Wall, dated May 7, 2012, recommending that plaintiffs' motion to remand this action to state court pursuant to 28 U.S.C. § 1447(c) be denied. No objections have been filed to the Report. For the reasons stated herein, the Court accepts Magistrate Judge Wall's Report in its entirety.

I

Any portion of a report and recommendation on dispositive matters, to which a timely objection has been made, is reviewed *de novo*. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b). The court, however, is not required to review the factual findings or legal conclusions of the magistrate judge as to which no proper objections are interposed. See, Thomas v. Arn, 474 U.S. 140, 150, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985). To accept the report and recommendation of a magistrate judge on a dispositive matter, to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. See, Fed. R. Civ. P. 72(b);

1

Johnson v. Goord, 487 F.Supp.2d 377, 379 (S.D.N.Y. 2007), aff'd, 305 Fed. Appx. 815 (2d Cir. Jan. 1, 2009); Baptichon v. Nevada State Bank, 304 F.Supp.2d 451, 453 (E.D.N.Y. 2004), aff'd, 125 Fed.Appx. 374 (2d Cir. 2005). Whether or not proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

II

No party has filed any objections to Magistrate Judge Wall's Report. Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court accepts Magistrate Judge Wall's Report in its entirety. Plaintiffs' motion to remand this action to state court pursuant to 28 U.S.C. § 1447(c) is denied. The parties shall appear, with authority or with persons with authority to settle this matter, at a conference before me, in courtroom 1010 located at 100 Federal Plaza, Central Islip, New York, 11722, on **June 25, 2012 at 11:15 a.m.** The conference previously scheduled to be held before me on July 18, 2012 at 11:15 a.m. is cancelled.

SO ORDERED.

s/ Sandra J. Feuerstein

~~SANDRA J. FEUERSTEIN~~
United States District Judge

Dated: June 4, 2012
Central Islip, New York