

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BETTY MCPHATTER,

Plaintiff,

-against-

M. CALLAHAN & ASSOCIATES, LLC,

Defendant.
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NICHOLAS G. GARAUFGIS, United States District Judge.

On November 1, 2011, Plaintiff Betty McPhatter filed this action against Defendant M. Callahan & Associates, LLC, alleging violations of the Federal Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.* (Compl. (Dkt. 1).)

On January 31, 2013, Plaintiff moved for default judgment against Defendant. (Mot. Default J. (Dkt. 10).) The court referred this motion to Magistrate Judge Lois Bloom 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) to address both liability and damages. (See Apr. 19, 2013, Order (Dkt. 11).)

On July 2, 2013, Judge Bloom issued an R&R, recommending Plaintiff's motion be denied without prejudice, subject to Plaintiff submitting additional necessary information. (Default J. R&R (Dkt. 14).) On July 3, 2013, Plaintiff submitted a request for reconsideration (Dkt. 15), which was granted by Judge Bloom in an order withdrawing the initial R&R (Aug. 2, 2013, Order (Dkt. 16)). Subsequently, on August 5, 2013, Judge Bloom issued an Amended R&R, recommending that the court grant Plaintiff's motion for default judgment and direct the entry of judgment against Defendant in the amount of \$5,056.75, representing \$500 in actual damages, \$500 in statutory damages, and \$4,056.75 in attorneys' fees and costs. (See Am. R&R

(Dkt. 17.) Pursuant to Judge Bloom's Order (see id. at 13), Plaintiff filed proof of service of the Amended R&R upon Defendant (see Dkt. 18).

No party has objected to Judge Bloom's Amended R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). (See also Amended R&R at 14.) Therefore, the court reviews the Amended R&R for clear error. See 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); La Torres v. Walker, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000); cf. 28 U.S.C. § 636(b)(1). Finding no clear error, the court ADOPTS the Amended R&R in its entirety, see Porter v. Potter, 219 F. App'x 112 (2d Cir. 2007), and, as set forth above and in the Amended R&R: Plaintiff's motion for default judgment is GRANTED and judgment shall be entered against Defendant for \$5,056.75, representing \$500 in actual damages, \$500 in statutory damages, and \$4,056.75 in attorneys' fees and costs. The Clerk of Court is respectfully directed to enter judgment and close the case.

SO ORDERED.

Dated: Brooklyn, New York
September 11, 2013

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge