UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------X

LUIS CASTRO,

Plaintiff,

-against-

CITY OF NEW YORK, P.O. DREW SCHLESINGER and JOHN DOES 1-4,

Defendants.

----------X

ORDER

11-CV-5379 (NGG) (CLP)

NICHOLAS G. GARAUFIS, United States District Judge.

On November 2, 2011, Plaintiff Luis Castro filed this Complaint against Defendants City of New York, Police Officer Drew Schlesinger, and John Does 1-4 alleging various claims arising from an allegedly unlawful arrest. (Compl. (Dkt. 1).) On March 12, 2012, Defendants submitted a motion for summary judgment (Dkt. 9), which was referred to Magistrate Judge Cheryl L. Pollak for a report and recommendation ("R&R") (Jan. 10, 2012, Minute Entry).

Plaintiff had filed a previous lawsuit against the City of New York and another police officer related to a separate allegedly unlawful arrest, which was settled on September 6, 2011. See Castro v. City of New York, No. 11-CV-290 (RJD) (SMG) (E.D.N.Y. Sept. 6, 2011), Dkt. 11. Defendants argue that the release Plaintiff executed in connection with that settlement precludes the instant action. (Def. Summ. J. Mem. (Dkt. 10).) On March 27, 2012, Plaintiff's counsel informed Judge Pollak that "[a]fter careful review of the applicable facts and law[, he] ha[d] decided to not interpose opposition papers to the defendant's [sic] motion for summary judgment." (Pl. Ltr. (Dkt. 14).) On June 26, 2012, Judge Pollak issued her R&R, recommending that the

court grant Defendants' motion for summary judgment on the grounds of release. (R&R (Dkt. 17).)

No party has objected to Judge Pollak's R&R, and the time to do so has long passed. See Fed. R. Civ. P. 72(b)(2). Accordingly, the court reviews Judge Pollak's 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 in the R&R, the court adopts it in its entirety. See Porter v. Potter, 219 F. App'x 112 (2d Cir. 2007). Accordingly, the court GRANTS Defendants' motion for summary judgment. The Clerk of Court is respectfully directed to close the case.

SO ORDERED.

s/Nicholas G. Garaufis

Dated: Brooklyn, New York
October 18, 2012

NICHOLAS G. GARAUFIS
United States District Judge