

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BARRY SIMON,
Plaintiff,

-against-

THOMAS KIDERA et al.,
Defendants.

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AMON, Chief United States District Judge.

NOT FOR PUBLICATION
ORDER
11-cv-6161 (CBA) (CLP)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JAN 4 - 2013 ★

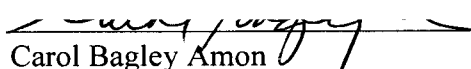
BROOKLYN OFFICE

On October 25, 2012, the Honorable Cheryl L. Pollak granted counsel Amy Marion's motion to withdraw from further representation of plaintiff Barry Simon and issued a Report and Recommendation (R&R) advising this Court to dismiss Simon's case with prejudice due to his stated intention to discontinue prosecution of the action. The R&R was not mailed to Simon until November 5, 2012, and so in a Supplemental Report and Recommendation, Judge Pollak granted Simon until November 19, 2012 to file any objections. To date, no objections have been filed. Reviewing the R&R for clear error, the Court adopts Magistrate Judge Pollak's R&R in its entirety. See Manigaulte v. C.W. Post of Long Island Univ., 659 F. Supp. 2d 367, 372 (E.D.N.Y. 2009) ("When evaluating the report and recommendation of a magistrate judge, the district court may adopt those portions of the report to which no objections have been made and which are not facially erroneous." (internal quotations and citations omitted)). Accordingly, this action is dismissed with prejudice. The Clerk of Court is directed to enter judgment in favor of defendants and close this case.

SO ORDERED.

Dated: January 3, 2013
Brooklyn, N.Y.

s/Carol Bagley Amon


Carol Bagley Amon
Chief United States District Judge