

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

X

PHILIP DOMINGUEZ,

Plaintiff,

-against-

WILLIAM R. MILLER, LONG ISLAND  
RAILROAD COMPANY, M.D. CHIRILLO, D.J.  
HORRELL, MICHAEL BARTO, RICHARD  
KRASON, GEORGE FARRELL, ARTHUR  
MARATEA, MICHAEL McDERMOTT, SCOTT  
PETRAGLIA, and MARILYN KUSTOFF,

Defendant.

X

AMON, Chief United States District Judge.

NOT FOR PUBLICATION  
**MEMORANDUM & ORDER**  
12-cv-231 (CBA) (LB)

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ FEB 26 2013 ★  
**BROOKLYN OFFICE**

Plaintiff Philip Dominguez brings this action for violations of the Railway Labor Act, 45 U.S.C. § 151, *et seq.* and the United States Constitution against defendants William R. Miller, Long Island Railroad Company (“LIRR”), M.D. Chirillo, D.J. Horrell, Michael Barto, Richard Krason, George Farrell, Arthur Maratea, Michael McDermott, Scott Petraglia, and Marilyn Kustoff (collectively, “defendants”). Defendants move to dismiss under various subsections of Fed. R. Civ. P. 12(b). Now before the Court is Magistrate Judge Lois Bloom’s Report and Recommendation (“R&R”) recommending that defendant Krason’s motion to dismiss for lack of personal jurisdiction be denied, but that defendants’ motion to dismiss the amended complaint for failure to state a claim be granted.

No party has objected to the R&R, and the time for doing so has passed. Where no timely objections have been filed, a district court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72, Notes of Advisory Committee; *Jarvis v. N. Am. Globex Fund, L.P.*, 823 F.Supp.2d 161, 163 (E.D.N.Y.

2011). The Court has reviewed the record and, finding no clear error in the R&R, hereby adopts it in its entirety as the opinion of the Court.<sup>1</sup>

The amended complaint is dismissed as to all defendants. The Clerk of Court is directed to enter judgment accordingly and close this case.

SO ORDERED.

Dated: Brooklyn, N.Y.  
February 25, 2013

s/Carol Bagley amon

  
Carol Bagley Amon  
Chief United States District Judge

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<sup>1</sup> The Court notes the minor correction that *Fong v. Am. Airlines, Inc.*, cited in footnote 7 of the R&R, is improperly cited as a Ninth Circuit Court of Appeals decision. The proper citation is 431 F. Supp. 1340 (N.D. Cal. 1977).