

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CITY OF NEW YORK,

Plaintiff,

-against-

MEMORANDUM AND ORDER

13-CV-03869 (FB) (RER)

MCDONOUGH STREET COMMUNITY
CENTER, INC. and 813-815-817
HANCOCK STREET SPONSORING
BOARD, INC.,

Defendants.

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Appearances:

For the Plaintiff:

SABITA LAKSHMI KRISHNAN
New York City Law Department
100 Church Street
20-91
New York, NY 10007

BLOCK, Senior District Judge:

On August 5, 2014, Magistrate Judge Reyes issued a Report and Recommendation (“R&R”) recommending that the Court enter judgment against defendants for breach of contract and order defendants to transfer title to the subject property in accordance with those agreements. R&R at 10. The R&R stated that defendants’ failure to file objections within fourteen days of receipt would preclude appellate review. *See id.* Plaintiff served a copy of the R&R on defendants by mail on

August 5, 2014. *See* Docket Entry No. 17 (Affidavit/Affirmation of Service of Report and Recommendation). To date, no objections have been filed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure to timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). No such error appears here. Accordingly, the Court adopts the R&R without *de novo* review and directs the Clerk to enter judgment in accordance with the R&R.

SO ORDERED.

/S/Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
September 10, 2014