

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WELLS FARGO BANK, N.A.,

Plaintiff,

- against -

BENJAMIN LANDI and B.W.T. TAILOR SHOP
CORP.,**ORDER ADOPTING REPORT
AND RECOMMENDATION**

13-CV-5822 (RRM) (JO)

Defendants.

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ROSLYNN R. MAUSKOPF, United States District Judge.

Plaintiff Wells Fargo Bank, N.A. (“Wells Fargo”), brought this foreclosure action on October 24, 2013. (Compl. (Doc. No. 1).) Wells Fargo’s subsequent motion for default judgment was granted as to defendant Benjamin Landi. (Order and J. (Doc. Nos. 31–32).) However, the motion was denied as to defendant B.W.T. Tailor Shop Corp. (“BWT”), and Wells Fargo’s claim against BWT was dismissed without prejudice. (*Id.*) Wells Fargo subsequently secured the Court’s permission to file an amended complaint against BWT on September 29, 2016. (*See* 9/29/2016 Order.) Since that time, Wells Fargo has not taken any action before the Court. On December 14, 2016, Magistrate Judge James Orenstein ordered Wells Fargo to file a proposed summons and amended complaint as to BWT by December 21, 2016. (*See* 12/14/2016 Order.) Wells Fargo filed neither the proposed summons and amended complaint nor any other communication with the Court.

On September 11, 2017, Judge Orenstein issued a Report and Recommendation (“R&R”), recommending that the Court direct the Clerk of Court to close this inactive case. (R&R (Doc. No. 37).) Judge Orenstein reminded the parties that, pursuant to Federal Rule of Civil Procedure (“Rule”) 72(b), any objection to the R&R must be filed no later than September

25, 2017. (See R&R at 4.)¹ No party has filed any objection, and the time to do so has long since expired.

Pursuant to 28 U.S.C. § 636(b) and Rule 72, the Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007).

Accordingly, the Clerk of Court is directed to enter judgment pursuant to this Order and close the case.

SO ORDERED.

Dated: Brooklyn, New York
March 13, 2018

s/Roslynn R. Mauskopf

ROSLYN R. MAUSKOPF
United States District Judge

¹ For ease of reference, citations to Court documents utilize the Electronic Case Filing System (“ECF”) pagination.