

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK

3 -----X  
4 ARNALDO SALVON,

5  
6 Plaintiff,

7  
8 -against-

9  
10 THE CITY OF NEW YORK, et al.,

11  
12 Defendants.

**MEMORANDUM AND ORDER**

Case No. 13-CV-6626 (FB) (RML)

13 -----X  
14  
15 *Appearances:*

16 *For the Plaintiff:*

17 ELLIE AMANDA SILVERMAN, ESQ.  
18 Novo Law Firm, PC  
19 299 Broadway  
20 17th Floor  
21 New York, NY 10007  
22

*For the Defendants:*

JORGE MARQUEZ, ESQ.  
New York City Law Department  
100 Church Street  
New York, NY 10007

23 **BLOCK, Senior District Judge:**

24 Pending before this Court is Magistrate Judge Robert M. Levy's Report &  
25 Recommendation ("R&R"), dated August 9, 2016, recommending that this Court deny  
26 Defendant's motion to dismiss this action for lack of prosecution. For the following  
27 reasons, the court ADOPTS Magistrate Judge Levy's R&R in its entirety.

28 **I**

29 On January 26, 2016, Defendants moved to dismiss this action for lack of  
30 prosecution. ECF No. 32. Defendants' allegations focus on a series of delays caused by  
31 plaintiff's counsel when he failed to appear at a conference, as well as failed to serve

1 several defendants in a timely manner.

2 On April 15, 2016, the undersigned referred plaintiff's motion to Judge Levy for  
3 an R&R on whether Defendants' motion should be granted. Judge Levy issued his R&R  
4 by electronic order. The R&R reviewed the parties' participation in the litigation and  
5 evaluated the number of times that plaintiff and defendants appeared before this Court  
6 and the magistrate judge. Magistrate Judge Levy determined that although "plaintiff's  
7 counsel could have been more proactive in litigating this case," counsel did not engage  
8 in sanctionable conduct, and defendant has not demonstrated prejudice.

9 In reviewing an R&R, a district court "may accept, reject, or modify, in whole  
10 or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C.  
11 § 636(b)(1)(C). If no timely objections have been made, the court "need only satisfy  
12 itself that there is no clear error on the face of the record." *Urena v. New York*, 160  
13 F.Supp.2d 606, 609-10 (SDNY 2001) (internal marks and citation omitted).

14 Objections were due within fourteen days from the issuance of Magistrate Judge  
15 Levy's R&R. The time for filing objections has expired, and no party has objected.  
16 Accordingly, all objections are hereby deemed to have been waived.

17 Upon careful review and consideration, the Court finds Magistrate Judge Levy's  
18 R&R to be comprehensive, well-reasoned, and free of clear error, and it ADOPTS the  
19 R&R in its entirety.

1 **II.**

2 For the foregoing reasons, the Court adopts the R&R in its entirety.

3  
4 **SO ORDERED.**

5 /S/ Frederic Block  
6 FREDERIC BLOCK  
7 Senior United States District Judge  
8

9 Brooklyn, New York  
10 August 25, 2016