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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

14-CV-730 (ARR)(CLP)

DARWIN NOBOA,

Plaintiff,

NOT FOR ELECTRONIC
OR PRINT PUBLICATION

-against-

<u>ORDER</u>

TORON RESTORATION CORP., FERNANDO POUSO, and JOSE LUIS MARTINEZ,

Defendants.

X

X

POSS United States District Judge:

ROSS, United States District Judge:

The court has received the Report and Recommendation on the instant case dated March 2, 2015, from the Honorable Cheryl L. Pollak, United States Magistrate Judge. No objections have been filed. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Brissett v. Manhattan & Bronx Surface Transit Operating Auth., No. 09-CV-1930682 (CBA) (LB), 2011 WL 1930682, at *1 (E.D.N.Y. May 19, 2011). Having reviewed the record, I find no clear error. I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Therefore, the plaintiff's motion to amend the Complaint to withdraw the class and collective action claims is granted, and the plaintiff will be permitted to file an amended complaint, naming Salomon Stalin Noboa and John Enrique Noboa as plaintiffs, by April 2, 2015. The plaintiff's motion for default judgment is denied without prejudice, and a renewed motion for default judgment may be filed if defendants fail to answer the amended complaint.

SO ORDERED.

/s/(ARR)

Allyne R. Ross United States District Judge

Dated: March 25, 2015

Brooklyn, New York