

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ELIZABETH N. BADDOO,

Plaintiff,

v.

**DECISION AND ORDER**  
14-CV-2667 (WFK) (SMG)

NEW CENTURY FINANCIAL SERVICES, INC.

Defendant.

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**WILLIAM F. KUNTZ, II United States District Judge:**

On April 28, 2014, Elizabeth Baddoo (“Plaintiff”) commenced this action against New Century Financial Services, Inc. (“Defendant”). ECF No. 1. On September 22, 2014, Magistrate Judge Steven Gold held an initial conference, in which he directed Plaintiff to serve Defendant with a proposed amended complaint by October 20, 2014, and directed Defendant to state whether it would consent to the proposed amended by October 27, 2014. ECF No. 18. The parties did not comply with Magistrate Judge Gold’s Order. On August 4, 2016, Magistrate Judge Gold issued an Order directing the parties to file a written status report by August 30, 2016, and notifying counsel that failure to comply with result in a recommendation of dismissal. ECF Entry Dated Aug. 4, 2016. The parties failed to submit the required status report or to otherwise communicate to the Court.

On September 6, 2016, Magistrate Judge Gold issued a Report and Recommendation, in which he recommended dismissal of this case with prejudice for failure to prosecute, and directed the parties to file any objections to the Report and Recommendation by September 23, 2016. ECF No. 19. No objections were filed within the fourteen day period.

## DISCUSSION

In reviewing a Report and Recommendation, the court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). When no objections have been filed, a district court reviews a Report and Recommendation for clear error. *See Zeitone v. Korsinsky & Klein, LLP*, 13-CV-0383, 2013 WL 5937397, at \*1 (E.D.N.Y. Nov. 4, 2013) (Kuntz, J.) (citing *Reyes v. Mantello*, 00-CV-8936, 2003 WL 76997, at \*1 (S.D.N.Y. Jan. 9, 2003) (Cote, J.)); *Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007) (Garaufis, J.).

No party has filed objections to the Report and Recommendation in this action. The Court finds that there was no clear error in the Report and Recommendation’s determination that this case should be dismissed with prejudice for failure to prosecute. The Court therefore ADOPTS Magistrate Judge Gold’s Report and Recommendation in its entirety, and DISMISSES this action with prejudice for failure to prosecute.

**SO ORDERED.**

s/ WFK

  
HON. WILLIAM F. KUNTZ, II  
UNITED STATES DISTRICT JUDGE

Dated: October 3, 2016  
Brooklyn, New York