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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TERESA MALINCONICO,

Plaintiff,

-against-

ADIRONDACK INSURANCE COMPANY,

Defendant.

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NICHOLAS G. GARAUFGIS, United States District Judge.

ORDER

14-CV-3377 (NGG) (PK)

Plaintiff Teresa Malinconico filed this action against Defendant Adirondack Insurance Company on May 29, 2014, alleging that Defendant improperly adjusted and mishandled Plaintiff's claims for damages caused to her property after Hurricane Sandy, in violation of an insurance contract between the parties. (See Compl. ¶¶ 5-7.)

On February 22, 2016, Magistrate Judges Pollak, Brown, and Reyes issued a Report & Recommendation ("R&R"), recommending that the court dismiss Plaintiff's action for failure to prosecute, pursuant to Rule 41 of the Federal Rules of Civil Procedure. (See R&R (Dkt. 72) at 3.) In the R&R, Judges Pollak, Brown, and Reyes described Plaintiff's consistent failure to respond to multiple court orders in this case. (See id. at 1-2.) Not only has the Complaint yet to be properly served, but Plaintiff's counsel has also failed to appear for a status conference and has failed to respond to a September 30, 2015, Order to Show Cause why this action should not be dismissed. (Id. at 2.)

No party has objected to the R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). (See also R&R at 3 ("Any objections to this [R&R] must be filed with the Clerk of Court . . . within fourteen (14) days of receipt of this Report. Failure to file objections within the specified time waives the right to appeal the district court's order.")) Therefore, the court

reviews the R&R for clear error. See Gesualdi v. Mack Excavation & Trailer Serv., Inc., No. 09-CV-2502 (KAM) (JO), 2010 WL 985294, at *1 (E.D.N.Y. Mar. 15, 2010); La Torres v. Walker, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000); cf. 28 U.S.C. § 636(b)(1). Finding no clear error, the court ADOPTS IN FULL the R&R and accordingly DISMISSES the Complaint for failure to prosecute. See Porter v. Potter, 219 F. App'x 112 (2d Cir. 2007) (summary order).

The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

Dated: Brooklyn, New York
March 17, 2016

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFI
United States District Judge