

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ **MAR 18 2016** ★
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
-----X
FRANK CANNONE,

Plaintiff,

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

-against-

14-CV-3397 (SLT)(JO)

ALLSTATE INSURANCE COMPANY,

Defendant.
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TOWNES, United States District Judge:

On September 30, 2015, Magistrate Judge Cheryl L. Pollak learned from an attorney representing plaintiff in another action in this district—*Cannone v. Allstate Insurance Company*, No. 14-CV-1023 (NGG)(PK)—that the instant action, filed by a law firm with a history of commencing actions on behalf individuals that it did not actually represent, was duplicative of that other action. Accordingly, on November 24, 2016, Judge Pollak issued a report and recommendation (the “R&R”), recommending that this action be dismissed with prejudice as erroneously filed. The R&R directed the Clerk of Court to send copies of the R&R to the parties either electronically via the Court’s Electronic Case Filing system (“ECF”) or by mail. The R&R also advised the parties that they had 14 days from receipt of the R&R in which to file written objections, and that failure to file a timely objection would waive the right to appeal the district court’s order adopting the R&R.

ECF records reflect that the R&R was electronically mailed on November 25, 2015. To date, no objections to the R&R have been received. A district court is not required to review the factual or legal conclusions of a magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 150

(1985). Accordingly, the Court adopts the R&R in its entirety as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

CONCLUSION

For the reasons stated above, Judge Pollak's Report and Recommendation dated November 24, 2015, is adopted in its entirety. This action is dismissed with prejudice as erroneously filed. The Clerk of Court shall close this case.

SO ORDERED.

/s/ Sandra L. Townes

SANDRA L. TOWNES
United States District Judge

Dated: March 17, 2016
Brooklyn, New York