

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MOSHE BERLAND,

Plaintiff,

**ORDER**

14-cv-6070 (LDH)(CLP)

-against-

JOSEF BINYAMIN FRANKEL,

Defendant.

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LASHANN DEARCY HALL, United States District Judge:

On November 1, 2016, Defendant Josef Binyamin Frankel filed a motion to dismiss for Plaintiff's failure to prosecute. On December 1, 2016, United States Magistrate Judge Cheryl Pollak issued a Report and Recommendation recommending that this Court dismiss the complaint with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for lack of prosecution unless, within twenty-one days of the order, Plaintiff's new counsel filed a notice of appearance or Plaintiff notified the court that he intended to proceed pro se. No objections have been filed, Plaintiff's counsel has not appeared, and Plaintiff has not notified the Court that he intends to proceed pro se. Where no objections to a Report and Recommendation have been filed, "the district court need only satisfy itself that there is no clear error on the face of the record." *Estate of Ellington ex rel. Ellington v. Harbrew Imports Ltd.*, 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011) (quoting *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001)). The Court has reviewed the record and the Report and Recommendation for clear error and, finding none, hereby adopts Magistrate Judge Pollak's Report and Recommendation in its entirety as the opinion of this Court. The Clerk of the Court is respectfully directed to enter judgment in accordance with this order and close the case.

Dated: June 12, 2017  
Brooklyn, New York

SO ORDERED:

/s/ LDH  
LASHANN DEARCY HALL  
United States District Judge