

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

WILSON WOOD and ROLAND WOOD,

Plaintiffs,

v.

STATE FARM FIRE AND CASUALTY CO.,

Defendant.

MEMORANDUM & ORDER

14-CV-7570 (MKB) (LB)

MARGO K. BRODIE, United States District Judge:

Plaintiffs Wilson Wood and Roland Wood, proceeding *pro se*, commenced this action on December 31, 2014, against Defendants State Farm Fire and Casualty Co. (“State Farm”) and Debbie Deligan, alleging insurance fraud. (Compl. 2–4, Docket Entry No. 1.) On December 31, 2014, Plaintiffs also moved for a preliminary injunction and temporary restraining order. (Mot. for Prelim. Inj. and TRO, Docket Entry No. 2.) Judge John Gleeson held a hearing on December 31, 2014 on Plaintiffs’ motion and dismissed the claims brought against Deligan. (December 31, 2014 Order.) At a second hearing, held on January 5, 2015, Judge Gleeson denied Plaintiffs’ motion. (Jan. 5, 2015 Min. Entry, Docket No. 8.) Despite receiving multiple deadline extensions from the Court, Plaintiffs have failed to serve State Farm.

By Report and Recommendation dated September 25, 2015 (“R&R”), Magistrate Judge Lois Bloom recommended that the Court dismiss Plaintiffs’ claims without prejudice for failure to prosecute. (R&R 1, Docket Entry No. 23.) Copies of the R&R were served on Plaintiffs on September 28, 2015. To date, no objections have been filed and the time for doing so has expired.

A district court reviewing a magistrate judge’s recommended ruling “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)(C). “Failure to object to a magistrate judge’s report and recommendation within the prescribed time limit ‘may operate as a waiver of any further judicial review of the decision, as long as the parties receive clear notice of the consequences of their failure to object.’” *Sepe v. N. Y. State Ins. Fund*, 466 F. App’x 49, 50 (2d Cir. 2012) (quoting *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997)); *see also Almonte v. Suffolk Cty.*, 531 F. App’x 107, 109 (2d Cir. 2013) (“As a rule, a party’s failure to object to any purported error or omission in a magistrate judge’s report waives further judicial review of the point.” (quoting *Cephas v. Nash*, 328 F.3d 98, 107 (2d Cir. 2003))); *Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P.C.*, 596 F.3d 84, 92 (2d Cir. 2010) (“[A] party waives appellate review of a decision in a magistrate judge’s Report and Recommendation if the party fails to file timely objections designating the particular issue.”).

The Court has reviewed the unopposed R&R, and, finding no clear error, the Court adopts Judge Bloom’s R&R in its entirety pursuant to 28 U.S.C. § 636(b)(1). The Court dismisses the Complaint, without prejudice, for failure to prosecute. The Clerk of Court is directed to close this case.

SO ORDERED:

s/ MKB

MARGO K. BRODIE
United States District Judge

Dated: October 16, 2015
Brooklyn, New York