

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARK A. SMITH,

Plaintiff,

-against-

POLICE OFFICER JOHN DOE and  
THE CITY OF NEW YORK,

Defendants.

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**TOWNES, United States District Judge:**

**MEMORANDUM AND ORDER**

15-cv-245 (SLT) (RER)

On January 26, 2015, Plaintiff Mark Smith (“Plaintiff”) filed a *pro se* Complaint against Defendants Officer John Doe and the City of New York (the “City”) concerning his arrest on September 14, 2010, alleging violations of federal and state laws for excessive force, false arrest, deprivation of property, and malicious prosecution. (ECF No. 1.) The City subsequently moved to dismiss the Complaint under Federal Rule of Civil Procedure 12(b)(6) on the grounds that Plaintiff’s claims are time-barred, Plaintiff’s claim against the City fails as a matter of law, and Plaintiff waived his claims pursuant to a settlement agreement. (ECF No. 14.) Plaintiff has not yet responded to the City’s motion. On July 27, 2016, this Court referred the City’s motion to United States Magistrate Judge Ramon E. Reyes, Jr. (“Judge Reyes”) for a report and recommendation (“R&R”).

On October 31, 2016, Judge Reyes filed and served via ECF an R&R recommending that the City’s motion be granted and that the Complaint be dismissed in its entirety. (ECF No. 20.) On November 1, 2016, the R&R was mailed to Plaintiff. Written objections to the R&R were due within 14 days of service. 28 U.S.C. § 636(b)(1)(C). To date, no objections have been filed and no party has requested an extension of time in which to do so.

A district court is not required to review the factual or legal conclusions of the 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). Even when no objections are filed, however, many courts seek to satisfy themselves “that there is no clear error on the face of the record.” Fed. R. Civ. P. 72(b) advisory committee note (1983 Addition); *see also Edwards v. Town of Huntington*, No. 05 Civ. 339 (NGG) (AKT), 2007 WL 2027913, at \*2 (E.D.N.Y. July 11, 2007). Although not required to do so, this Court has reviewed Judge Reyes’ R&R for clear error on the face of the record. The Court finds no clear error and, therefore, 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 Reyes’ R&R dated October 31, 2016, recommending that the City’s motion to dismiss be granted in its entirety and that the Complaint be dismissed for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6), is adopted in its entirety. The Clerk of the Court is directed to close this case.

**SO ORDERED.**

S/ Sandra L. Townes  
~~SANDRA L. TOWNES~~  
United States District Judge

Dated: December 1, 2016  
Brooklyn, New York