

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ **AUG 27 2015** ★

-----X
ALEXANDER REICH,

BROOKLYN OFFICE

Plaintiff,

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

-against-

15-CV-0281(SLT)(JO)

559 ST. JOHNS PL LLC, et al.,

Defendants.
-----X

TOWNES, United States District Judge:

On January 20, 2015, plaintiff Alexander Reich ("Plaintiff") commenced this diversity action against various defendants and New York City agencies seeking foreclosure on two properties known as 1308 Caton Avenue and 423 Throop Avenue, both located in Brooklyn. (Complaint, Doc. No. 1.) Plaintiff failed to file proof of timely service of the Summons and Complaint on any defendant. Indeed, the docket reflects that Plaintiff has taken no action since the date of commencement.

In an order dated May 7, 2015, Magistrate Judge James Orenstein issued the following order:

A review of the docket indicates that the plaintiff has not filed proof of timely service of the Summons and Complaint as required on any defendant. *See* Fed. R. Civ. P. 4(*l*), (m). No later than May 14, 2015, the plaintiff must either file proof of timely service on the docket or file a motion requesting an extension of the time to effect service for good cause. *See* Fed. R. Civ. P. 4(m). Failure to comply will result in a recommendation that the case be dismissed for failure to prosecute. *See* Fed. R. Civ. P. 4(m), 41(b).

When Plaintiff failed to comply with the May 7 order, Judge Orenstein issued an Order to Show Cause stating that "[n]o later than May 26, 2015, Plaintiff must show cause in writing why I should not recommend to the assigned District Judge that this action be dismissed for failure to

prosecute pursuant to Federal Rule of Civil Procedure 41(b).” Plaintiff never responded to the Order to Show Cause. Accordingly, on July 31, 2015, Judge Orenstein issued a Report and Recommendation (“R&R”) recommending that the Complaint be dismissed with prejudice for failure to prosecute. (R&R, Doc. No. 4, at 3.) The R&R stated that any objections to the recommendation must be filed by August 17, 2015, and specifically advised that failure to file written objections “designating the particular issues to be reviewed waives the right to appeal the district court’s order.” (*Id.*) The date to object has now passed without any activity by Plaintiff.

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). Nonetheless, when no objections are filed, 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). Accordingly, this Court has reviewed the 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, Magistrate Judge Orenstein's Report and Recommendation dated July 31, 2015, is adopted in its entirety. The Complaint is dismissed with prejudice, and Clerk of the Court is respectfully requested to close this case.

SO ORDERED.

/s/ Sandra L. Townes

SANDRA L. TOWNES

United States District Judge

Dated: *August 25*, 2015
Brooklyn, New York