

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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VISIONGLOBAL CONSULTING, INC.,

Plaintiff,

-against-

FENG ZHAN, WEI XIN WIRELESS CONSULTING,
INC., and WEI XIN CONSULTING, INC.,

Defendants.
----- X

15-CV-03868 (ARR)(RML)

NOT FOR ELECTRONIC
OR PRINT PUBLICATION

ORDER

ROSS, United States District Judge:

The court has received the Report and Recommendation on the instant case dated March 11, 2016, from the Honorable Robert M. Levy, United States Magistrate Judge. No objections have been filed. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Brissett v. Manhattan & Bronx Surface Transit Operating Auth., No. 09-CV-1930682, 2011 WL 1930682, at *1 (E.D.N.Y. May 19, 2011).

The Report and Recommendation recommends that this case be dismissed based on plaintiff's failure to obtain counsel within the time provided by Magistrate Judge Levy. This court agrees that plaintiff's failure to obtain counsel warrants dismissal of his claims. However, defendant Feng Zhan has asserted counterclaims against plaintiff, and plaintiff's failure to obtain counsel does not warrant dismissal of those counterclaims.

Accordingly, I hereby adopt the Report and Recommendation as the opinion of the court pursuant to 28 U.S.C. § 636(b)(1) to the extent that it recommends dismissal of plaintiff's claims. With respect to defendant Feng Zhan's counterclaims, I hereby order defendant Feng Zhan to

c/m

advise the court via letter no later than April 22, 2016, whether he intends to pursue his counterclaims notwithstanding dismissal of plaintiff's claims.

Although plaintiff has paid the filing fee to commence this action, the court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

/s/(ARR)

Allyne R. Ross
United States District Judge

Dated: April 11, 2016
Brooklyn, New York