

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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BARRY SEPULVEDA,

Plaintiff,

- against -

ORDER ADOPTING  
REPORT AND RECOMMENDATION  
15-CV-5187 (RRM) (CLP)

CITY OF NEW YORK; and NEW YORK CITY  
POLICE OFFICER RICKY ALEXANDER,  
Shield # 12750,

Defendants.

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ROSLYNN R. MAUSKOPF, United States District Judge.

On September 11, 2015, plaintiff Barry Sepulveda filed this Section 1983 civil rights action against defendants City of New York (the “City”) and New York City Police Department (“NYPD”) Officer Rick Alexander, Shield # 12750, asserting claims for false arrest, false imprisonment, and unlawful search and seizure in violation of his constitutional rights. Sepulveda then moved to amend his complaint to add three additional NYPD officers and to add a claim for cruel and inhuman treatment. (Mot. to Am. (Doc. No. 29).) The City and Officer Alexander opposed the amendment. (Opp’n (Doc. No. 30).)

The magistrate judge assigned to this case, the Honorable Cheryl L. Pollak, issued a Report and Recommendation (“R&R”) that Sepulveda be permitted to amend his complaint to add claims against Officers Golat, Haggerty, and Diceco under the Fourth Amendment, and to add claims pursuant to the Due Process Clause of the Fourteenth Amendment against all defendants. (R&R (Doc. No. 32).) Judge Pollak reminded the parties that, pursuant to 28 U.S.C. § 636(b), any objections to the R&R had to be filed within fourteen days of the receipt of the R&R. (R&R at 21.) That deadline passed, and no party filed an objection. In fact, as of this

date, the amended complaint has been filed and defendants have answered. (*See* Am. Compl. (Doc. No. 33); Answer (Doc. No. 35).)

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure (“Rule”) 72, the Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007).

### CONCLUSION

Accordingly, Judge Pollak’s R&R (Doc. No. 32) is hereby adopted in its entirety. This action is recommitted to Magistrate Judge Pollak for all pretrial proceedings.

SO ORDERED.

Dated: Brooklyn, New York  
September 5, 2017

*Roslynn R. Mauskopf*

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ROSLYNN R. MAUSKOPF  
United States District Judge