

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MICHAL DAWIDOWICZ,

Plaintiff,

**MEMORANDUM AND ORDER**

-against-

15-cv-7380 (FB) (CLP)

JAMES VALOUCH, JACEK  
SZEWCZYK, BLACK SQUARE  
BUILDERS CORP., and CHELSEA  
BUILDER GROUP LLC,

Defendants.

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*Appearances:*

*For Plaintiff:*

ROBERT WISNIEWSKI  
Robert Wisniewski & Associates P.C.  
225 Broadway Suite 1020  
New York, NY 10007

*For Defendants:*

MARC BRIAN ZIMMERMAN  
KATHRYN TONDEL LUNDY  
REGINA ELAINE FAUL  
Phillips Nizer LLP  
666 Fifth Avenue  
New York, NY 10103

**BLOCK, Senior District Judge:**

On November 8, 2016, Magistrate Judge Cheryl L. Pollak issued a Report and Recommendation (“R&R”) recommending that plaintiff’s motion to voluntarily dismiss his case without prejudice be granted. No objections have been filed to date, and defendants’ opportunity to object has passed.

Where there are no objections, the Court may adopt the R&R without de novo review. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the

consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision.""). The Court must conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). No such error appears here. Accordingly, the Court adopts the R&R without de novo review and grants plaintiff's motion to voluntarily dismiss his case without prejudice.

**SO ORDERED.**

/s/ Frederic Block  
FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
January 4, 2016