

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JASON MURRAY,

Plaintiff,

**MEMORANDUM DECISION AND
ORDER**

- against -

16-cv-0676 (AMD)(SMG)

**NEW YORK CITY DEPARTMENT OF
CORRECTIONS, OFFICER GAGEDEEN,
OFFICER SPEIGHT, OFFICER LEWIS, and
AREA CAPTAIN (NAME NOT KNOWN)
Shield # 11223,**

Defendants.

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

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BROOKLYN OFFICE

ANN DONNELLY, District Judge.

The plaintiff brought this action against defendants New York City Department of Corrections, Officers Gagedeen, Speight and Lewis, and Area Captain (name not known) Shield # 11223 on February 5, 2016, alleging that the defendant officers used chemical agents to obscure his vision and then assaulted him on November 21, 2015, while he was incarcerated at the Riker's Island Correctional Facility. (Dkt. No. 1.) In a Report and Recommendation issued on December 23, 2016, Magistrate Judge Steven L. Tiscione recommended that the plaintiff's complaint be dismissed for failure to prosecute. No party has objected to Judge Tiscione's Report and Recommendation within the time prescribed by 28 U.S.C. §636(b)(1).

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C).

Where, as here, no party has objected to the magistrate judge's recommendation, "a district court

need only satisfy itself that there is no clear error on the face of the record.” *Urena v. New York*, 160 F.Supp.2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985)).

This Court has reviewed Judge Tiscione’s thorough and well-reasoned opinion and finds no error. Accordingly, it is hereby ORDERED that pursuant to Federal Rule of Civil Procedure 41(b), the plaintiff’s case is dismissed for failure to prosecute. The Clerk of the Court is respectfully directed to close this case.

SO ORDERED.

s/Ann M. Donnelly

Ann M. Donnelly
United States District Judge

Dated: Brooklyn, New York
January 9, 2017