

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CITY OF NEW YORK,

Plaintiff,

**MEMORANDUM AND ORDER**

-against-

16-cv-2223 (FB) (CLP)

FU CHEN, and QIUYUE CHEN,

Defendants.

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*Appearances:**For Plaintiff:*

ERIC PROSHANSKY  
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York  
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*For Defendants:*

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**BLOCK, Senior District Judge:**

On September 12, 2016, Magistrate Judge Cheryl L. Pollak (“MJ”) issued a Report and Recommendation (“R&R”) recommending that, with plaintiff’s consent, plaintiff’s Motion for Default Judgment be denied and that defendants’ Motion to Set Aside Default be granted. The R&R was docketed on September 12, 2016. To date, no objections have been filed, and thirty-five days have 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.”). This Court, however, will 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 denies plaintiff’s Motion for Default Judgment and grants defendants’ Motion to Set Aside Default.

**SO ORDERED.**

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

Brooklyn, New York  
October 24, 2016