

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MIMOSE DUMONDS,

Plaintiff,

MEMORANDUM & ORDER
16-CV-4564 (MKB) (LB)

v.

DEUTSCHE BANK,

Defendant.

MARGO K. BRODIE, United States District Judge:

On August 17, 2016, Plaintiff Mimose Dumonds commenced the above-captioned action against Defendant Deutsche Bank. (Compl., Docket Entry No. 1.) By order dated August 24, 2016, Magistrate Judge Lois Bloom directed Plaintiff to serve Defendant with the Summons and Complaint by November 15, 2016. (Docket Entry No. 4.) Plaintiff failed to effect timely service. By report and recommendation dated November 18, 2016, (the “R&R”), Judge Bloom recommended that the Court dismiss the action without prejudice due to Plaintiff’s failure to effect timely service. (R&R 1–2, Docket Entry No. 5.)¹ No party has objected to the R&R.

A district court reviewing a magistrate judge’s recommended ruling “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). “[F]ailure to object timely to a magistrate judge’s report may operate as a waiver of any further judicial review of the decision, as long as the parties receive clear notice of the consequences of their failure to object.” *Eustache v. Home Depot U.S.A., Inc.*, 621 F. App’x 86, 87 (2d Cir. 2015) (quoting *United States v. Male Juvenile*, 121 F.3d 34, 38

¹ Because the R&R is not paginated, the Court refers to the Electronic Document Filing system (“ECF”) pagination.

(2d Cir. 1997)); *see also Almonte v. Suffolk Cty.*, 531 F. App'x 107, 109 (2d Cir. 2013) (“As a rule, a party’s failure to object to any purported error or omission in a magistrate judge’s report waives further judicial review of the point.” (quoting *Cephas v. Nash*, 328 F.3d 98, 107 (2d Cir. 2003))); *Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P.C.*, 596 F.3d 84, 92 (2d Cir. 2010) (“[A] party waives appellate review of a decision in a magistrate judge’s Report and Recommendation if the party fails to file timely objections designating the particular issue.” (first citing *Cephas*, 328 F.3d at 107; and then citing *Mario v. P & C Food Markets, Inc.*, 313 F.3d 758, 766 (2d Cir. 2002))).

The Court has reviewed the unopposed R&R and, finding no clear error, the Court adopts Judge Bloom’s R&R in its entirety pursuant to 28 U.S.C. § 636(b)(1). This action is dismissed without prejudice. The Clerk of Court is directed to close this case.

SO ORDERED:

s/ MKB
MARGO K. BRODIE
United States District Judge

Dated: January 20, 2017
Brooklyn, New York