

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHANDRAJEET PADHY and OSAMA
KHALEEL,

Plaintiffs,
-against-

MEMORANDUM AND ORDER
Case No. 17-CV-03211 (FB) (SMG)

THE CITY OF NEW YORK, NEW YORK CITY
POLICE DEPARTMENT, SGT. CONA, and
POLICE OFFICER JOHN DOE,

Defendants.

x

Appearances:

For the Plaintiffs:

THOMAS AUSTIN BROWN, ESQ.
The Austin Brown Law Firm
349 5th Avenue
New York, New York 10016

For the Defendants:

ARTHUR G. LARKIN
NYC Office of Corporation Counsel
Special Federal Litigation Division
100 Church Street, Room 3-180
New York, NY 10007

BLOCK, Senior District Judge:

On September 15, 2017, Magistrate Judge Gold issued a Report and Recommendation (“R&R”) recommending that the Court dismiss the Complaint without prejudice for failure to prosecute under Federal Rule of Civil Procedure 4(m). *See* R&R at 1. The R&R also stated that Plaintiffs’ failure to object within fourteen days of receiving the R&R may preclude appellate review. *See id.* No objections have been filed.

If clear notice has been given of the consequences of failure to object and there are no objections, the Court may adopt the R&R without *de novo* review. *See 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 will excuse the failure to object and 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 directs the Clerk to enter judgment in accordance with the R&R.

SO ORDERED.

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

Brooklyn, NY
October 3, 2017