

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
PAUL THOMAS,

Plaintiff,

-against-

MEMORANDUM AND ORDER

Case No. 17-CV-6084 (FB) (LB)

GOOD VISION TASTE, INC. d/b/a
SIGNATURE RESTAURANT,
FALADA LOUNGE, VLADISLAV
YUSUFOVA and DIANA YUSUFOVA,

Defendants.

-----X
BLOCK, Senior District Judge:

Magistrate Judge Bloom issued a Report and Recommendation (“R&R”) recommending that the defendants’ motion to vacate the default judgment against them be denied. The R&R, issued at a status conference on the motion, advised that objections were due within fourteen days and warned that “failure to file a timely objection to this report waives any further judicial review.” Transcript of Dec. 14, 2018, at 13. To date, no objections have been filed.

Where 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 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 will, however, 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 error, plain or otherwise, appears on the face of the R&R. Accordingly, the Court adopts it without de novo review. The stay of execution ordered on November 21, 2018, is lifted

SO ORDERED.

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

Brooklyn, New York
April 3, 2019