

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MALCOLM BEY,

Plaintiff,

-against-

MEMORANDUM & ORDER
11-CV-3296(JS) (WDW)

STATE OF NEW YORK, NASSAU COUNTY INC.,
NASSAU COUNTY FAMILY COURT, NASSAU
COUNTY CHILD PROTECTIVE SERVICES,
EDMUND DANE, SUZANNE LEAHEY, ELIZABETH
McGRATH, ROSALIE FITZGERALD, JOHN
COPPOLA, ALTON WILLIAMS, DAVID SULLIVAN,
KATHLEEN RICE, DAVID GOTIMER, BRUCE
COHEN, MERRY-LOU FERRO, CHERYL KREGER,
WARREN FREEMAN, and JANE DOE/JOHN DOE
1-100,

Defendants.

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APPEARANCES

For Plaintiff: Malcolm Bey, pro se
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For Defendants:
N.Y.S. Defendants Ralph Pernick, Esq.
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SEYBERT, District Judge:

Pending before the Court is Magistrate Judge William D. Wall's Report and Recommendation ("R&R") recommending that this action be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. For the following reasons, the Court ADOPTS Judge Wall's R&R in its entirety.

BACKGROUND

The Court assumes familiarity with the factual and procedural background of this action, which the Court detailed in its Orders resolving the defendants' motions to dismiss and motion for judgment on the pleadings. (Docket Entries 62, 72.) As is relevant here, Judge Wall issued his R&R on August 27, 2013 recommending that this action be dismissed with prejudice pursuant to Rule 41(b) because: (1) pro se Plaintiff Malcolm Bey ("Plaintiff") failed to appear for a conference before Judge Wall on July 23, 2013, (2) although he was warned that failure to appear again could result in the dismissal of his action with prejudice, Plaintiff did not appear for Judge Wall's rescheduled conference on August 22, 2013, and (3) Plaintiff has not filed anything in this action or otherwise been in contact with the Court since November 2011.

Judge Wall mailed a copy of his R&R to Plaintiff at the address he provided to the Court. Plaintiff, however, did not file any objections.

DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If no timely objections have been made, the "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) (internal quotation marks and citation omitted).

Here, no party objected to Judge Wall's R&R. And the Court finds it to be correct, comprehensive, well-reasoned, and free of any clear error. Accordingly, the Court ADOPTS it in its entirety.

CONCLUSION

Judge Wall's R&R is ADOPTED in its entirety, and this action is DISMISSED WITH PREJUDICE for failure to prosecute.

The Clerk of the Court is directed to mail a copy of this Memorandum and Order to the pro se Plaintiff and to mark this matter CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: September 13, 2013
Central Islip, NY