

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SEAN LARRY GOODWIN,

Plaintiffs,

-against-

ORDER
13-CV-1774 (SJF)(AKT)

SUFFOLK COUNTY POLICE DEPARTMENT
P.O. THOMAS KENNEDY #5620,
SUFFOLK COUNTY POLICE DEPARTMENT
DETECTIVE JAMES J. DEMARCO #1397,

FILED
CLERK

3/10/2015 11:38 am

Defendants.

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

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FEUERSTEIN, J.

Before the Court is Magistrate Judge A. Kathleen Tomlinson’s Report and Recommendation, dated February 6, 2015, recommending that defendants’ motion for partial summary judgment be granted and plaintiff’s claim of deliberate indifference to a serious medical need be dismissed. [Docket Entry No. 62 (the “Report”)]. No objections to the Report have been filed. For the following reasons, the Court adopts the Report in its entirety.

I. Standard of Review

Any portion of a report and recommendation on a dispositive matter to which a timely objection has been made is reviewed by the district court *de novo*. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court, however, is not required to review the factual findings or legal conclusions of the magistrate judge as to which no proper objections are interposed. *See Thomas v. Arn*, 474 U.S. 140, 150, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985). To accept the report and recommendation of a magistrate judge on a dispositive matter to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. *See Fed. R. Civ. P. 72(b); Johnson v. Goord*, 487 F. Supp. 2d 377, 379 (S.D.N.Y.

2007), *aff'd*, 305 F. App'x 815 (2d Cir. Jan. 9, 2009); *Baptichon v. Nev. State Bank*, 304 F. Supp. 2d 451, 453 (E.D.N.Y. 2004), *aff'd*, 125 F. App'x 374 (2d Cir. Apr. 13, 2005). Whether or not proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

II. Analysis

No objections to Magistrate Judge Tomlinson's Report have been filed and the time to file objections has passed. Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court accepts the Report in its entirety. For the reasons set forth in the Report, defendants' motion for partial summary judgment is GRANTED.

SO ORDERED.

s/ Sandra J. Feuerstein
Sandra J. Feuerstein
United States District Judge

Dated: March 10, 2015
Central Islip, New York