

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FIRST TENNESSEE BANK, NATIONAL
ASSOCIATION,

Plaintiff,

-against-

MEMORANDUM & ORDER
14-CV-6467 (JS) (GRB)

GLADYS S. ANDREWS and WILLIAM H.
ANDREWS,

Defendants.

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SEYBERT, District Judge:

Pending before the Court is Plaintiff First Tennessee Bank National Association's ("Plaintiff") motion seeking a default judgment (Docket Entry 10) and Magistrate Judge Gary R. Brown's Report and Recommendation ("R&R"), recommending that this Court deny Plaintiff's motion and allow the pro se Defendants, Gladys S. Andrews and William H. Andrews ("Defendants") additional time to file their Answer, (see August 10, 2016 Electronic Order). For the reasons that follow, the Court ADOPTS Judge Brown's R&R in its entirety.

BACKGROUND

Plaintiff commenced this diversity action against defendants on November 3, 2014, seeking damages for breach of contract. (Compl. ¶¶ 5-10.) Plaintiff filed a motion for a default judgment on January 4, 2016, (Docket Entry 10), and the undersigned referred Plaintiff's motion to Magistrate Judge Brown on February 3, 2016 for an R&R. (Docket Entry 13.)

Judge Brown issued his R&R on August 10, 2016. Noting that Defendants filed an affidavit in opposition to Plaintiff's motion, the R&R recommends that the Court deny Plaintiff's motion and allow Defendants additional time to file their Answer. (August 8, 2016 Electronic Order.)

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).

Objections were due within fourteen days of service of the R&R. The time for filing objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court finds Judge Brown's R&R to be comprehensive, well-reasoned, and free of clear error, and it ADOPTS the R&R in its entirety.

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CONCLUSION

For the foregoing reasons, Judge Brown's R&R is ADOPTED in its entirety and Plaintiff's motion seeking a default judgment (Docket Entry 10) is DENIED. Defendants are directed to file an Answer to the Complaint within thirty (30) days from the date of this Order.

The Clerk of the Court is directed to mail a copy of this Order to Defendants at the address indicated within Defendants' affirmation in opposition to Plaintiff's motion at Docket Entry 14.

SO ORDERED.

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

Dated: September 8, 2016
Central Islip, New York