

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MATTHEW MATTEO,

Plaintiff,

-against-

COUNTY OF NASSAU, *et al.*,

Defendants.

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AZRACK, United States District Judge:

For Online Publication Only

ORDER
15-CV-06880 (JMA) (JMW)

**FILED
CLERK**

3:56 pm, Aug 17, 2023

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

Plaintiff Matthew Matteo is a former pretrial detainee at the Nassau County Correctional Center (“NCCC”). He asserts that while he was incarcerated at NCCC, he was assaulted by a corrections officer and subsequently denied adequate medical care. He now brings various federal and state law claims against Nassau County, the Nassau County Sheriff’s Department, NCCC, Corrections Officer Jay Ward, and John Doe defendants (“County Defendants”); as well as Armor Correctional Health Services, Inc. and Dr. Sanchez (“Armor Defendants”). The County Defendants and Armor Defendants filed motions for summary judgment, (ECF Nos. 89, 98), which the Court referred to Magistrate Judge James M. Wicks for a report and recommendation (“R&R”). (Electronic Order dated May 8, 2023.) In a R&R issued on August 1, 2023, (ECF No. 100), Magistrate Judge Wicks recommends that the Court grant Defendants’ motions in their entirety. No objections to the R&R have been filed and the time to do so has since passed.

In reviewing a magistrate judge’s report and recommendation, a court must “make a de novo determination of those portions of the report or . . . recommendations to which objection[s] [are] made.” 28 U.S.C. § 636(b)(1)(C); see also United States ex rel. Coyne v. Amgen, Inc., 243 F. Supp. 3d 295, 297 (E.D.N.Y. 2017), aff’d, 717 F. App’x 26 (2d Cir. 2017). The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations

made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). However, “[w]here parties receive clear notice of the consequences, failure to timely object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.” Smith v. Campbell, 782 F.3d 93, 102 (2d Cir. 2015) (quoting Mario v. P & C Food Mkts., Inc., 313 F.3d 758, 766 (2d Cir. 2002)); see also Phillips v. Long Island R.R. Co., 832 F. App’x 99, 100 (2d Cir. 2021) (same). In the absence of any objections, “the district court need only satisfy itself that there is no clear error on the face of the record.” Estate of Ellington ex rel. Ellington v. Harbrew Imports Ltd., 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011) (internal citations omitted). The Court has reviewed the record and the unopposed R&R for clear error and, finding none, hereby adopts the R&R as the opinion of the Court.

Accordingly, Defendants’ motions for summary judgment are GRANTED. Plaintiff’s first, second, and third causes of action under federal law are dismissed with prejudice. The Court declines to exercise supplemental jurisdiction over his remaining state law claims and dismisses them without prejudice. The Clerk of Court is respectfully directed to enter judgment accordingly and close the case.

SO ORDERED.

Dated: August 17, 2023
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE