

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

<p>Mr. Christopher Flores,</p> <p style="text-align:center">Plaintiff,</p> <p style="text-align:center">-v-</p> <p>Nassau County Sheriff's Dept.,</p> <p style="text-align:center">Defendant.</p>	<p>2:24-cv-1611 (NJC) (JMW)</p>
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MEMORANDUM AND ORDER

NUSRAT J. CHOUDHURY, United States District Judge:

On February 28, 2025, pro se Plaintiff Christopher Flores (“Flores”) filed the Complaint in this action against Defendant Nassau County Sheriff’s Department (“County”). (ECF No. 1.) On February 11, 2025, Magistrate Judge James M. Wicks issued a Report and Recommendation (the “R&R”) recommending that the Complaint be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure (“Fed. R. Civ. P.”) due to Flores’s failure to prosecute this action. (R&R, ECF No. 27.) A copy of the R&R was filed on the Court’s Electronic Docket on February 11, 2025. (*Id.*) The County mailed a copy of the R&R to Flores at his two last known addresses of record via certified mail on February 12, 2025 (Aff. Serv., ECF No. 28.) The R&R instructed that any objections to the R&R must be submitted in writing to the Clerk of Court within fourteen (14) days of service. (R&R at 6–7.)

More than fourteen days have elapsed since the R&R was published on the Court’s docket on February 11, 2025, and fourteen days have elapsed since the R&R was mailed to Flores at his addresses of record via certified mail on February 12, 2025. No party has filed an objection to the R&R. In reviewing a report and recommendation, 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). If no objections are filed, a district court reviews a report and recommendation for clear error. *King v. Paradise Auto Sales I, Inc.*, No. 15-cv-1188, 2016 WL 4595991, at *1 (E.D.N.Y. Sept. 2, 2016) (citation omitted); *Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007)).

Because no party has filed timely objections to the R&R, the Court reviews the R&R for clear error. Having conducted a review of the record and the applicable law, and having reviewed the R&R *de novo* out of an abundance of caution, the Court adopts the thorough and well-reasoned R&R (ECF No. 27) in its entirety. Accordingly, the Complaint is dismissed without prejudice pursuant to Rule 41(b), Fed. R. Civ. P., due to Flores’s failure to prosecute this action.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

The Clerk of Court is respectfully directed to mail a copy of this Order to Flores at his address of record, include the notation “Legal Mail” on the envelope, and record such mailing on the docket.

Dated: Central Islip, New York
March 7, 2025

/s/ Nusrat J. Choudhury
NUSRAT J. CHOUDHURY
United States District Judge