

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MEDICAL/SURGICAL GROUP TRUST
and MAZZEO UNUM RIZZO DIX
SNECHLOR,

Plaintiffs,

-against-

1:13-cv-1109 (LEK/CFH)

NEW YORK STATE ENERGY
RESEARCH & DEVELOPMENT
AUTHORITY, INC.; *et al.*,

Defendants.

ORDER

This matter comes before the Court following Report-Recommendations filed on December 6, 2013, and February 24, 2014, by the Honorable Christian F. Hummel, U.S. Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3. Dkt. Nos. 5 (“First Report-Recommendation”); 7 (“Second Report-Recommendation”). Judge Hummel recommended that Plaintiffs Medical/Surgical Group Trust and Mazzeo Unum Rizzo Dix Snechlor’s (collectively, “Plaintiffs”) Complaint be dismissed with leave to amend. See generally First Report-Rec.; Second Report-Rec.; Dkt. No. 1 (“Complaint”). No objections were filed. See generally Docket.

A district court must review *de novo* any objected-to portions of a magistrate judge’s report-recommendation or specific proposed findings or recommendations therein and “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); accord FED. R. CIV. P. 72(b); see also Morris v. Local 804, Int’l Bhd. of Teamsters, 167 F. App’x 230, 232 (2d Cir. 2006); Barnes v. Prack, No. 11-CV-0857, 2013 WL 1121353, at *1 (N.D.N.Y. Mar. 18, 2013). If no objections are made, or if an objection is general, conclusory,

perfunctory, or a mere reiteration of an argument made to the magistrate judge, a district court need review that aspect of a report-recommendation only for clear error. Chylinski v. Bank of Am., N.A., 434 F. App'x 47, 48 (2d Cir. 2011).

Upon review of the Report-Recommendation, the Court finds that it is not subject to attack for clear error, and accordingly accepts and adopts it in its entirety.

Accordingly, it is hereby:

ORDERED, that the Report-Recommendations (Dkt. Nos. 5, 7) are **APPROVED** and **ADOPTED in their entirety**; and it is further

ORDERED, that Plaintiff Mazzeo Unum Rizzo Dix Snehlor, if he wishes to pursue this action, must file an amended complaint **within thirty (30) days** of the filing date of this Order that remedies the deficiencies outlined in the Report-Recommendations; and it is further

ORDERED, that if Plaintiff fails to timely file an amended complaint as directed above, the Clerk shall enter judgment indicating that the Complaint (Dkt. No. 1) is **DISMISSED with prejudice** without further order of the Court pursuant to 28 U.S.C. § 1915(e) for failure to state a claim upon which relief may be granted. In that event, the Clerk is directed to close this case; and it is further

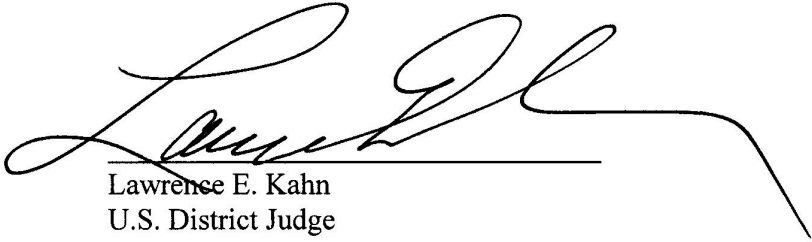
ORDERED, that Plaintiff Medical/Surgical Group Trust, having failed to retain counsel in this action, is **DISMISSED** from this case;¹ and it is further

ORDERED, that the Clerk serve a copy of this Order upon the Plaintiffs.

¹ See Shapiro, Bernstein & Co. v. Continental Record Co., 386 F.2d 426, 427 (2d Cir. 1967) (“[I]t is settled law that a corporation cannot appear other than by its attorney.”).

IT IS SO ORDERED.

DATED: April 24, 2014
Albany, New York



Lawrence E. Kahn
U.S. District Judge