

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JULIAN CORYE; and CHRISTINA FERKEY,

Plaintiffs,

v.

1:16-CV-0887
(GTS/TWD)

POLICE OFFICER MICHEL, Supervisor on Duty;
and SERGEANT ANDERSON,

Defendants.

APPEARANCES:

OF COUNSEL:

JULIAN CORYE and CHRISTINA FERKEY

Plaintiffs, *Pro Se*

17960 Ranchera Road
Shasta Lake, California 96019

THE REHFUSS LAW FIRM, P.C.

Counsel for Defendants

40 British American Boulevard
Latham, New York 12110

ABIGAIL REHFUSS, ESQ.

STEPHEN J. REHFUSS, ESQ.

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* personal injury action filed by Julian Corye and Christina Ferkey (“Plaintiffs”) against the two above-captioned employees of the City of Albany Police Department in Albany, New York (“Defendants”), is U.S. Magistrate Judge Thérèse Wiley Dancks’ Report-Recommendation recommending that Plaintiff Christina Ferkey’s claims against Defendants be dismissed for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). (Dkt. No. 44.) Plaintiff Christina Ferkey has not filed an objection to the Report-Recommendation and the deadline in which to do so has expired. (*See generally* Docket Sheet.) For the reasons set forth below, the Report-Recommendation is adopted in its entirety and this action on behalf of Plaintiff Christina Ferkey is dismissed with prejudice for failure to prosecute.

When, as here, no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a “clear error” review, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Id.*: see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) (“I am permitted to adopt those sections of [a magistrate judge’s] report to which no specific objection is made, so long as those sections are not facially erroneous.”) (internal quotation marks and citations omitted).

Based upon a review of this matter, the Court can find no clear error in the Report-Recommendation, clear or otherwise: Magistrate Judge Dancks employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Court accepts and adopts the Report-Recommendation for the reasons stated therein. (Dkt. No. 44.)

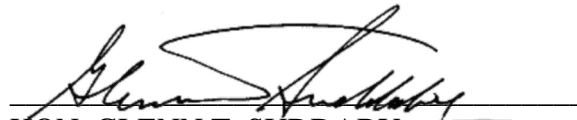
ACCORDINGLY, it is

ORDERED that Magistrate Judge Dancks’ Report-Recommendation (Dkt. No. 44) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff Christina Ferkey claims in the Amended Complaint (Dkt. No. 5) are **DISMISSED with prejudice** for failure to prosecute; and it is further

ORDERED the Clerk of Court is directed to amend the case caption of this action so as to **TERMINATE** Christina Ferkey as a plaintiff.

Dated: December 1, 2017
Syracuse, New York


HON. GLENN T. SUDDABY
Chief United States District Judge