Pro Video Instruments, LLC v. Tower Products, Inc. Doc. 14

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PRO VIDEO INSTRUMENTS, LLC,

Plaintiff,

-against- 1:19-MC-0052 (LEK/DJS)

TOWER PRODUCTS, INC.,

Defendant.

DECISION AND ORDER

I. INTRODUCTION

Plaintiff Pro Video Instruments filed this action under Federal Rules of Civil Procedure 37 and 45 to enforce a subpoena that it had served on Defendant in a separate lawsuit Plaintiff had filed in the United States District Court for the Middle District of Florida (the "Florida Action"). Dkt. No. 1 ("Motion"). Now before the Court is a report-recommendation filed by the Honorable Daniel J. Stewart, United States Magistrate Judge, recommending that the Court dismiss this suit as moot because the Florida Action has been dismissed, obviating the need for enforcement of the subpoena. Dkt. No. 13 ("Report-Recommendation").

For the reasons that follow, the Court adopts the Report-Recommendation in its entirety.

II. STANDARD OF REVIEW

Within fourteen days after a party has been served with a copy of a magistrate judge's report-recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b); L.R. 72.1(c). If objections are timely filed, a court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b). However, if no objections are made, or if an objection is general, conclusory, perfunctory, or a

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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. Barnes v. Prack, No. 11-CV-857, 2013 WL 1121353, at *1 (N.D.N.Y. Mar. 18, 2013); Farid v. Bouey, 554 F. Supp. 2d 301, 306–07 (N.D.N.Y. 2008), abrogated on other grounds by Widomski v. State Univ. of N.Y. at Orange, 748 F.3d 471 (2d Cir. 2014); see also Machicote v. Ercole, No. 06-CV-13320, 2011 WL 3809920, at *2 (S.D.N.Y. Aug. 25, 2011) ("[E]ven a pro se party's objections to a Report and Recommendation must be specific and clearly aimed at particular findings in the magistrate's proposal . . . ."). "A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." § 636(b).

III. DISCUSSION

Neither party filed objections to the Report-Recommendation. See Docket. Consequently, the Court has reviewed the Report-Recommendation for clear error and found none. Therefore, the Court adopts the Report-Recommendation in its entirety.

IV. CONCLUSION

Accordingly, it is hereby:

ORDERED, that the Report-Recommendation (Dkt. No. 13) is **APPROVED and ADOPTED** in its entirety; and it is further

ORDERED, that the motion to enforce the subpoena (Dkt. No. 1) is **DENIED** as moot and this action is **DISMISSED**; and it is further

ORDERED, that the Clerk shall close this action; and it is further

ORDERED, that the Clerk shall serve a copy of this Decision and Order on all parties in accordance with the Local Rules.

IT IS SO ORDERED.

DATED: June 15, 2020
Albany, New York

Lawrence E. Kahn
Senior U.S. District Judge