

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHN SOLAK,

Plaintiff,

v.

3:16-CV-0529
(GTS/DEP)

JOHN DOE,

Defendant.

APPEARANCES:

LAW OFFICE OF DOUGLAS W. DRAZEN
Counsel for Plaintiff
2-8 Hawley Street, Suite 11
Binghamton, New York 13901

OF COUNSEL:

DOUGLAS W. DRAZEN, ESQ.

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in action by John Solak (“Plaintiff”) against John Doe (“Defendant”) asserting claims arising from Plaintiff’s allegations that Defendant published false statements concerning Plaintiff’s health in an internet discussion forum, is United States Magistrate Judge David E. Peebles’ Report-Recommendation recommending that Plaintiff’s Complaint be dismissed for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). (Dkt. No. 27.) Objections to the Report-Recommendation have not been filed and the deadline in which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing all of the papers in this action, including Magistrate Judge Peebles’ thorough Report-Recommendation, the Court can find no clear error in the Report-

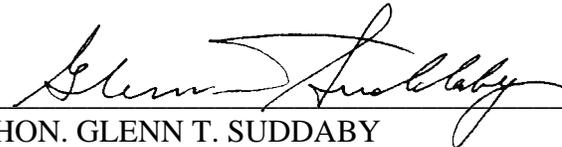
Recommendation.¹ Magistrate Judge Peebles employed the proper legal standards, accurately recited the facts, and correctly applied the law to those facts. (Dkt. No. 27.) As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein, and Plaintiff's Complaint is dismissed pursuant to Fed. R. Civ. P. 41(b).

ACCORDINGLY, it is

ORDERED that Magistrate Judge Peebles' Report-Recommendation (Dkt. No. 27) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED**.

Dated: February 28, 2017
Syracuse, New York


HON. GLENN T. SUDDABY
Chief United States District Judge

¹ When 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 omitted).