

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOSE FLORES, :  
: Plaintiff, :  
: :  
: - against - :  
: :  
COMMISSIONER OF SOCIAL SECURITY, :  
: :  
: Defendant. :  
-----x

USDC SDNY  
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08 Civ. 5894 (RMB) (RLE)

**ORDER**

On February 24, 2010, United States Magistrate Judge Ronald L. Ellis issued a Report and Recommendation (“Report”) recommending that Plaintiff’s claims against Defendant, originally filed on or about June 30, 2008, be dismissed for failure to prosecute because, among other reasons, Plaintiff “was directed to show cause by February 19, 2010, why this case should not be dismissed [and] failed to respond to the Order.” (Report at 1 (capitalization omitted).) The Report advised that, “[p]ursuant to Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have fourteen days from service of this Report to file written objections.” (Report at 2.) To date, neither party has filed objections to the Report.

The Court may adopt those portions of a report and recommendation to which no objections have been made and which are not clearly erroneous or contrary to law. See Thomas v. Arn, 474 U.S. 140, 149 (1985); see also 28 U.S.C. § 636(b).

Having reviewed the Report and applicable legal authorities, the Court concludes that the Report is neither clearly erroneous nor contrary to law and adopts the Report in its entirety. See Thomas, 474 U.S. at 149-50; see also Antonio v. Beckford, No. 05 Civ. 2225, 2006 U.S. Dist. LEXIS 71859, at \*10-12 (S.D.N.Y. Sept. 29, 2006); see also Gibbs v. Hawaiian Eugenia Corp., 966 F.2d 101, 109 (2d Cir. 1992).

The Clerk is respectfully requested to close this case.

Dated: New York, New York  
March 19, 2010

  
RICHARD M. BERMAN, U.S.D.J.