

<p><b>USDC SDNY</b>  <b>DOCUMENT</b>  <b>ELECTRONICALLY FILED</b>  <b>DOC #:</b> _____  <b>DATE FILED:</b> <u>4/12/12</u></p>
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JAMIE EDELKIND, : 09 Civ. 5835 (SHS)

Plaintiff, :

ORDER

-against- :

JANICE KILLIAN, *ET AL.*, :

Defendants. :

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SIDNEY H. STEIN, U.S.D.J.

On August 31, 2011, Magistrate Judge Michael H. Dolinger issued a Report and Recommendation recommending that defendants’ motion to dismiss or for summary judgment be granted, that the complaint be dismissed, and that plaintiff’s request for summary judgment be denied. On September 22, 2011, this Court adopted the Report and Recommendation, noting that “no objections from plaintiff have been received” and the Clerk of Court entered judgment accordingly on September 26, 2011.

On November 3, 2011, plaintiff moved to “Reopen Case and Vacate Order of Dismissal” on the grounds that he had never received Judge Dolinger’s Report and Recommendation. On August 31, 2012, this Court granted plaintiff’s motion to the extent that this Court vacated its September 22, 2011 Order and the resulting judgment and gave plaintiff leave to file any objections he may have had to the August 31, 2011 Report and Recommendation on or before September 18, 2012.

On October 17, 2012, the Court received a copy of plaintiff’s “Request for Extension of Time to File Objections to Magistrate Report and Recommendations and Notice of

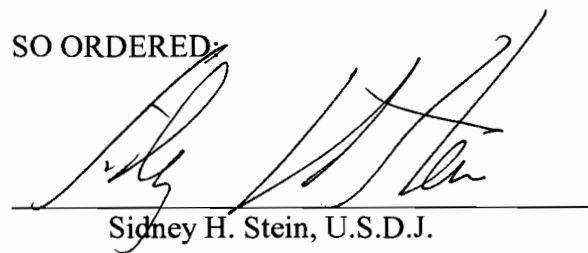
Address Change” dated October 2, 2012, from defense counsel, after the Court’s deputy inquired of defense counsel as to whether or not the defendant had received any objections from plaintiff. Plaintiff’s request for an extension had not been received by the Court by October 17. (The Court’s records indicate that the request from plaintiff was received by the Court’s *Pro Se* Office on October 16, 2012, and was entered on the Court’s docket on October 19, 2012.)

On October 17, 2012, the Court granted plaintiff’s request for an extension of his time to file objections to Judge Dolinger’s Report and Recommendation until October 29, 2012. The Court mailed a copy of the endorsement granting that extension to plaintiff at his new address. As of today—almost six months later—no objections have been received by the Court. Accordingly,

IT IS HEREBY ORDERED that, after *de novo* review, the Court adopts the August 31, 2011 Report and Recommendation, grants defendants’ motion to dismiss the complaint or for summary judgment, and denies plaintiff’s request for summary judgment. The Clerk of Court shall enter judgment accordingly and close this action.

Dated: New York, New York  
April 12, 2013

SO ORDERED:



Sidney H. Stein, U.S.D.J.