

to a report, that party waives their right to object and appellate review of the district court's decision adopting the report, absent unusual circumstances, is precluded. *See United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir.1997).

Since no party filed a timely objection to the Report, the Court reviews it for clear error. After a careful review of the Report, the Court is satisfied that the Report contains no clear error on the face of the record. Accordingly, the Court hereby adopts the Report's recommendation in its entirety. Defendant's motion for judgment on the pleadings (Dkt. No. 16) is hereby GRANTED, and Plaintiff's motion for judgment on the pleadings (Dkt. No. 9) is hereby DENIED. The Clerk of Court is directed to enter judgment accordingly and to close this case.

SO ORDERED.

Dated: New York, New York
August 27, 2013



J. PAUL OETKEN
United States District Judge