

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VICTOR KOLTUN,

*Plaintiff,**-against-*

JEFFREY BERRY, et al.,

*Defendants.*

X

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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13 Civ. 1612 (PAC) (JCF)

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

X

HONORABLE PAUL A. CROTTY, United States District Judge:

Plaintiff Victor Koltun claims that his constitutional rights were violated in the course of his arrest and prosecution for murder. He seeks damages under 42 U.S.C. § 1983. In his original complaint, Koltun asserted claims against two attorneys who had represented him, Paul Brite and James Winslow. Brite and Winslow moved to dismiss, and Magistrate Judge James C. Francis IV issued a report and recommendation (R&R) dated July 19, 2013, recommending that their motions be granted with prejudice. The Court adopted the R&R in full. Koltun then filed what he styled a “Second Amended Complaint” in which he reasserted his claims against Brite and Winslow verbatim. In an R&R dated April 6, 2016, Magistrate Judge Francis recommended that the Court dismiss those claims. Koltun objected and then moved for a default judgment against Winslow. Magistrate Judge Francis denied the motion, citing his April 6 R&R. Koltun then objected to the denial of his motion for default judgment.

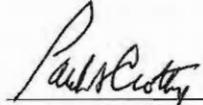
This Court dismissed Koltun’s claims against Brite and Winslow with prejudice. In his objection, Koltun provides no factual or legal basis justifying his disregard for that order. Nor does he provide any grounds upon which the Court should reject or modify the R&R.

Accordingly, the Court ADOPTS the R&R dated April 6, 2016, in full. All claims against Brite and Winslow are DISMISSED, once again, with prejudice. It follows, of course, that since the claims against Winslow have been dismissed, default judgment should not be entered.

Accordingly, the Court will not disturb Magistrate Judge Francis's denial of Koltun's motion for default judgment.

Dated: New York, New York  
July 28, 2016

SO ORDERED

  
PAUL A. CROTTY  
United States District Judge

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