

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 9/18/2017

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

EDGARDO DIAZ DIAZ, :

Plaintiff, :

- against - :

THE CITY UNIVERSITY OF NEW YORK, *et al.*, :

Defendants. :

-----X

13 Civ. 2038 (PAC) (GWG)

OPINION AND ORDER
ADOPTING REPORT
AND RECOMMENDATION

HONORABLE PAUL A. CROTTY, United States District Judge:

Pro se plaintiff Edgardo Diaz Diaz (“Plaintiff”), a former adjunct lecturer and employee at the City University of New York (“CUNY”), originally brought this action against CUNY and 23 of CUNY’s employees (together, “Defendants”), alleging numerous claims of discrimination under several statutes. On September 22, 2015, the Court dismissed all claims except for two, both for retaliation: specifically, (i) against John Jay College of Criminal Justice President Jeremy Travis and CUNY, premised on the non-renewal of Plaintiff’s adjunct faculty position at John Jay in April 2011; and (ii) against Dr. Edwin Melendez, director of the CUNY Center of Puerto Rican Studies (“CENTRO”) at Hunter College, and CUNY, premised on Melendez pressuring Plaintiff to relinquish his editorial position at CENTRO and on CENTRO’s decision not to offer Plaintiff a teaching position in 2011. ECF 67. Defendants moved for summary judgment on the two remaining claims.

On July 20, 2017, Magistrate Judge Gabriel Gorenstein issued a thorough Report and Recommendation (the “R&R”), recommending that Defendants’ motion for summary judgment (ECF 82) be granted. ECF 114. The R&R advised the parties that they had fourteen days from receipt of the R&R to file any written objections, citing 28 U.S.C. § 636(b)(1)(C) and Fed. R.

Civ. P. 72(b), and warned that failure to do so would result in preclusion of raising any objections to the R&R on appeal. *Id.* at 34.

On July 31, 2017 Plaintiff requested an extension of time, until August 31, 2017, in which to file objections to the R&R. ECF 115. The Court granted that extension and set a deadline for objections of August 31, 2017. ECF 116. Over two weeks have passed since that extended deadline, and no objections or requests for additional extensions have been submitted to the Court. The right to object to the R&R is waived. *See Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992); *Thomas v. Arn*, 474 U.S. 140, 155 (1985).

The Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). The Court has reviewed the well-reasoned R&R for clear error and finds none. Thus, the Court ADOPTS the R&R in full and GRANTS Defendants’ motion for summary judgment.

The Clerk of Court is directed to enter judgment in favor of Defendants, terminate all open motions, and close this action.

Dated: New York, New York
September 18, 2017

SO ORDERED



PAUL A. CROTTY
United States District Judge