

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: July 15, 2014

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JONATHAN GROENOW,
:
Plaintiff,
:
- against -
:
DEPUTY WARDEN OF OBCC WILLIAMS,
:
Defendant.
-----X

No. 13 Civ. 3961 (PAC) (JLC)

ORDER ADOPTING REPORT & RECOMMENDATION

HONORABLE PAUL A. CROTTY, United States District Judge:

Pro se Plaintiff Jonathan Groenow alleges that Defendant Kenneth Williams, a deputy warden at the Otis Bantum Correctional Facility on Rikers Island, violated his rights by “forcing [him] to call [his] attorney on a recording and monitoring system.” Plaintiff does not allege any injury. Defendant moved to dismiss Plaintiff’s Complaint, but Plaintiff did not respond.

On March 11, 2014, Magistrate Judge James L. Cott issued a Report and Recommendation (“R&R”) in support of granting the motion, on the grounds that Plaintiff does not plausibly allege that Defendant deprived him of his Sixth Amendment right to counsel or of his right of access to the courts. The R&R explains that while Plaintiff alleges that he was not permitted to communicate with his attorney on an unmonitored telephone line, he does not allege that other means of communication were unavailable. (*See* R&R at 12–14.) Plaintiff has not objected to the R&R.¹

“Within 14 days after being served with a copy of [an R&R], a party may serve and file specific written objections to the proposed findings and recommendations.” Fed. R. Civ. P.

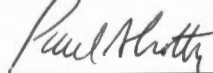
¹ About a month after the issuance of the R&R, Groenow filed a notice with the Court that he is now incarcerated in a different facility in Auburn, New York. (ECF No. 18 (Apr. 15, 2014).) This Order is being sent to that new address.

72(b)(2); accord 28 U.S.C. § 636(b)(1). A district 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). “The district court may adopt those portions of the report to which no timely objection has been made, so long as there is no clear error on the face of the record.” *Feehan v. Feehan*, No. 09-CV-7016, 2011 WL 497776 at *1 (S.D.N.Y. Feb. 10, 2011).

The Court has reviewed the record and finds no clear error. Therefore, the Court adopts Magistrate Judge Cott’s R&R in its entirety and GRANTS Defendant’s motion to dismiss the Complaint. Pursuant to 28 U.S.C 1915(a), I find that any appeal from this order would not be taken in good faith. The Clerk of Court is directed to enter judgment and close this case.

Dated: New York, New York
July 15, 2014

SO ORDERED



PAUL A. CROTTY
United States District Judge

Copy mailed by chambers to:

Jonathan Groenow
14-A-0010
Auburn Correctional Facility
P.O. Box. 618
Auburn, New York 13024