

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

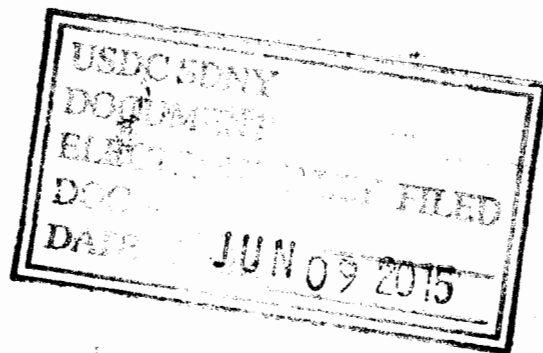
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DANIEL POWELL, JR.,

Plaintiff,

-against-

C.O. CONCEPTIONAL,

Defendant.
----- x



MEMORANDUM DECISION
AND ORDER

14 Civ. 2725 (GBD) (AJP)

GEORGE B. DANIELS, United States District Judge:

Pro se Plaintiff Daniel Powell, Jr. brings this action against Defendant C.O. Conceptional,¹ alleging civil rights violations under 42 U.S.C. § 1983. (*See* Second Am. Compl., ECF No. 25.) Plaintiff seeks \$500 million in damages “for desecration of [his] Rights and Religion” by the Defendant, who allegedly confiscated Plaintiff’s Koran. (*Id.* §§ IID, V.) By letter dated April 6, 2015, Defendant’s counsel advised the Court that, “despite the further information provided by Plaintiff about a ‘C.O. Conceptional,’ and after reasonable efforts, [the] DOC is unable to identify this individual.” (ECF No. 35.) On April 7, 2015, Magistrate Judge Andrew J. Peck ordered Plaintiff to provide a response by April 21, 2015, and that, “[a]bsent further information to allow [Defendant] ‘C.O. Conceptional’ to be identified, the Court will have no choice but to dismiss the case without prejudice.” (ECF No. 36.) Because Plaintiff never responded to the April 7, 2015 Order, Defendant’s counsel filed a letter request to dismiss this action. (ECF No. 37.) Before this Court is Magistrate Judge Peck’s May 22, 2015 Report and Recommendation (“Report”) in which he recommended that this Court dismiss this case without prejudice. (ECF No. 38.)

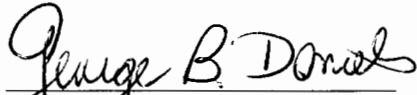
¹ On Plaintiff’s consent, all other defendants previously named in this action were dismissed with prejudice. (*See* ECF No. 20.)

Magistrate Judge Peck advised Plaintiff that he had fourteen days to file an objection to the Report; however, no objection was filed by this deadline. (*See id.*) Having reviewed the Report for clear error,² this Court adopts the Report's recommendation in full. This case is hereby DISMISSED without prejudice.

Dated: New York, New York

June 2015
JUN 09 2015

SO ORDERED.



GEORGE B. DANIELS
United States District Judge

² This Court may accept, reject, or modify, in whole or in part, the findings set forth in the Report. 28 U.S.C. § 636(b)(1)(C). When there are objections to the Report, the Court must make a *de novo* determination of those portions of the Report to which objections are made. *Id.*; *see also Rivera v. Barnhart*, 423 F. Supp. 2d 271, 273 (S.D.N.Y. 2006). The district judge may also receive further evidence or recommit the matter to the magistrate judge with instructions. *See Fed. R. Civ. P. 72(b)*; 28 U.S.C. § 636(b)(1)(C). The Court need not conduct a *de novo* hearing on the matter. *See United States v. Raddatz*, 447 U.S. 667, 675-76 (1980). Rather, it is sufficient that the Court “arrive at its own, independent conclusion” regarding those portions of the Report to which objections were made. *Nelson v. Smith*, 618 F. Supp. 1186, 1189-90 (S.D.N.Y. 1985) (quoting *Hernandez v. Estelle*, 711 F.2d 619, 620 (5th Cir. 1983)). When no party files objections to a Report, the Court may adopt the Report if “there is no clear error on the face of the record.” *Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005) (quotation omitted).