

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBBIE THOMAS,	:	
	:	
Plaintiff,	:	
	:	14-CV-3597 (JPO)
-v-	:	
	:	<u>ORDER ADOPTING</u>
THE UNITED STATES,	:	<u>REPORT AND</u>
	:	<u>RECOMMENDATION</u>
	:	
Defendant.	:	
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J. PAUL OETKEN, District Judge:

Plaintiff Robbie Thomas filed the complaint in this action on May 20, 2014. (Dkt. No. 2.) On September 29, 2014, the Court referred the case to Magistrate Judge Henry B. Pitman for general pretrial proceedings. (Dkt. No. 6.) On November 14, 2014, Judge Pitman granted the motion of Plaintiff’s counsel to withdraw following a “breakdown in communication” with Plaintiff. (Dkt. Nos. 12, 14.) On July 2, 2015, Defendant the United States wrote to Judge Pitman requesting that the Court dismiss the case for failure to prosecute under Federal Rule of Civil Procedure 41(b). (Dkt. No 17.) On July 17, 2015, Judge Pittman issued a notice to Plaintiff that the case may be dismissed for failure to prosecute if Plaintiff failed to communicate with the Court within 30 days. (Dkt. No. 18.) Having received no response from Plaintiff, Judge Pitman issued a Report and Recommendation concluding that this action should be dismissed without prejudice. (Dkt. No. 20, “The Report.”) The Court has reviewed the Report.

No party filed a timely objection to the Report; therefore the Court reviews it for clear error. *See* Fed. R. Civ. P. 72(b), Advisory Committee’s Notes (1983) (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”); *see also Borcsok v. Early*, 299 F. App’x 76, 77

(2d Cir. 2008). Judge Pitman's Report presents no such errors and is therefore fully adopted by this Court.

Accordingly, this action is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: October 27, 2015
New York, New York



J. PAUL OETKEN
United States District Judge

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