

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
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DATE FILED: 4/24/19

ANDRE YOUNGBLOOD,

Plaintiff,

v.

CITY OF NEW YORK, DETECTIVE
LOUIS PENA #6992, OFFICER JESUS
SANCHEZ #5644, and C.O. T.J. #19297,

Defendants.

No. 15-CV-3541 (RA)

ORDER ADOPTING REPORT AND
RECOMMENDATION

RONNIE ABRAMS, United States District Judge:

On March 4, 2019, Magistrate Judge Pitman issued a Report and Recommendation (“Report”) recommending that Plaintiff’s motion for a default judgment, sought as a sanction against Defendants, pursuant to Federal Rule of Civil Procedure 37(b)(2)(A), be denied. The Court adopts Judge Pitman’s report in its entirety.

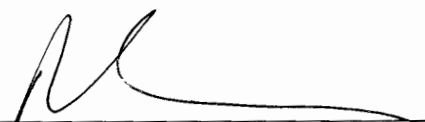
A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may object to a magistrate judge’s recommended findings “[w]ithin 14 days after being served with a copy of the recommended disposition,” Fed. R. Civ. P. 72(b)(2), or 17 days when service is made by mail. *See* Fed. R. Civ. P. 6(d). “The district court may adopt those portions of a report and recommendation to which no timely objections have been made, provided no clear error is apparent from the face of the record.” *Hancock v. Rivera*, No. 09-CV-7233 (CS) (GAY), 2012 WL 3089292, at *1 (S.D.N.Y. July 30, 2012). Plaintiff has not objected to Judge Pitman’s Report and the time to do so has passed. The Court thus reviews the Report for clear error and finds none.

As explained by Judge Pitman, a party must fail to obey a discovery order before a default judgment can be entered against it, pursuant to Fed. R. Civ. P. 37(b)(2)(A). Plaintiff, however, did not identify any such order with which Defendants failed to comply. To the extent Plaintiff's motion could be construed as premised on a purported violation of Judge Pitman's December 23, 2018 order (Dkt. 133), which required that Defendants confirm that they produced to Plaintiff certain criminal and medical records, Judge Pitman subsequently found that Defendants complied with that order. *See* Dkt. 138. The Court thus adopts the Report in its entirety.

The Clerk of Court is respectfully directed to terminate the motion pending at Dkt. 131.

SO ORDERED.

Dated: April 24, 2019
New York, New York



Ronnie Abrams
United States District Judge