UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANNE BRYANT,

Plaintiff,

- against -

PATRICK J MONAGHAN, JR., ESQ., *et al.*,

Defendants.

15 Civ. 8427 (PAC) (HBP)

OPINION AND ORDER ADOPTING REPORT AND RECOMMENDATION

HONORABLE PAUL A. CROTTY, United States District Judge:

Pro se plaintiff Anne Bryant ("Plaintiff") moves pursuant to Fed. R. Civ. P. 60(b) for relief from the Court's April 11, 2016 order, Dkt. 44, so-ordering Plaintiff's April 8, 2016 voluntary dismissal with prejudice of the action against defendant Noel L. Silverman, Esq. ("Silverman") pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i). Dkt. 85. Plaintiff moves on the ground that there is new evidence she first discovered in August 2016. *See id.*

On May 23, 2017, Magistrate Judge Henry Pitman issued a thorough Report and Recommendation (the "R&R"), recommending that Plaintiff's Rule 60(b) motion be denied as untimely as it was made more than one year after the April 11, 2016 order from which she seeks relief. Dkt. 90. The R&R advised the parties that they had fourteen days from receipt of the R&R to file any written objections, citing Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1)(C), and warned that failure to do so would result in a waiver of any objections and preclude appellate review. *Id.* at 4. Nearly a month has passed since the R&R was issued, and no objections or requests for extensions have been submitted to the Court. The right to object to the R&R or obtain further judicial review of Magistrate Judge Pitman's decision 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 DENIES Plaintiff's motion.

The reference to Magistrate Judge Pitman is continued. The Clerk of Court is directed to terminate the pending motion at Dkt. 85 in this case.

Dated: New York, New York
June 15, 2017

SO ORDERED

PAUL A. CROTTY
United States District Judge

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