

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC # 2-22-2017
DATE FILED: 2-22-2017

TANYA GILES POWELL,

Plaintiff,

-v-

No. 16 CV 1359-LTS-KNF

FANNIE MAE,

Defendant.

-----x
MEMORANDUM ORDER ADOPTING REPORT AND RECOMMENDATION

On February 2, 2017, Magistrate Judge Kevin Nathaniel Fox issued a Report and Recommendation (docket entry no. 31 (the “Report”)) regarding the motion of Plaintiff Tanya Giles Powell for an order to show cause why a preliminary injunction should not issue against Defendant Fannie Mae enjoining Defendant from permitting damage to Plaintiff’s property. (Report, p. 1.) Judge Fox recommended that Plaintiff’s request for an order to show cause be denied because Plaintiff has not satisfied the requirements for a preliminary injunction; specifically, inter alia, Plaintiff cannot establish irreparable harm because she seeks only money damages in her complaint. (Report, p. 5.)

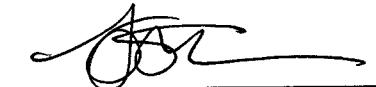
In reviewing a report and recommendation, a district court “may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C.S § 636(b)(1) (LexisNexis 2001). In order to accept those portion of the Report to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Carlson v. Dep’t of Justice, No. 10 CV 5149, 2012 WL 928124, at *1 (S.D.N.Y. Mar. 19, 2012) (internal quotation marks and citation omitted).

The Court has not received any objections to the Report from either Plaintiff or Defendant, so a review for clear error is appropriate. The Court has reviewed carefully Magistrate Judge Fox's thorough Report and finds no clear error. The Court therefore adopts the Report in its entirety for the reasons stated therein. Because the Report explicitly states that “[f]ailure to object within fourteen (14) days will result in a waiver of objections and will preclude appellate review,” the parties’ failure to object operates as a waiver of objections and appellate review. See Graham v. City of New York, 433 F. App’x 657, 658 (2d Cir. 2011).

Plaintiff, who is proceeding pro se in this litigation, may be interested in seeking legal assistance. On September 19, 2016, a new legal clinic opened in this District to assist people who are parties in civil cases and do not have lawyers. The Clinic is run by a private organization called the New York Legal Assistance Group; it is not part of, or run by, the Court (and, among other things, therefore cannot accept filings on behalf of the Court, which must still be made by any unrepresented party through the Pro Se Intake Unit). The Clinic is located in the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York, in Room LL22, which is just inside the Pearl Street entrance to that Courthouse. The Clinic is open on weekdays from 10 a.m. to 4 p.m., except on days when the Court is closed. Plaintiff can make an appointment in person or by calling 212-659-6190.

SO ORDERED.

Dated: New York, New York
February 22, 2017



LAURA TAYLOR SWAIN
United States District Judge