

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



CHRISTOPHER CHANDLER,

Plaintiff,

-v-

CITY OF NEW YORK,

Defendants.

17 Civ. 4030 (PAE) (RWL)

OPINION & ORDER

PAUL A. ENGELMAYER, District Judge:

Pro se plaintiff Christopher Chandler bring this action under 42 U.S.C. § 1983 alleging that he was provided with an inadequate mattress while detained by the New York City Department of Corrections (DOC) at Rikers Island and was deprived of adequate medical care for his resulting neck and back pain. Before the Court is the May 14, 2018 Report and Recommendation of the Hon. Robert W. Lehrburger, United States Magistrate Judge, (“Report”) recommending that the Court dismiss Chandler’s case. Dkt. 21. For the following reasons, the Court adopts this recommendation.

I. Background

The Court incorporates by reference the summary of the facts and procedural provided in the Report. *See* Report at 1–2. On May 30, 2017, Chandler filed this case. *See* Dkts. 1. On August 1, 2017, Chandler filed an Amended Complaint. Dkt. 7. On November 21, 2017, the City moved to dismiss the Amended Complaint. Dkt. 17. Chandler never opposed the motion to dismiss.

On May 14, 2018, Judge Lehrburger filed his Report recommending that the Court dismiss all claims brought by Chandler. Chandler has, to date, filed no objections.

II. Discussion

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. § 636(b)(1)(C). “To accept those portions 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.” *Ruiz v. Citibank, N.A.*, No. 10 Civ. 5950 (KPF), 2014 WL 4635575, at *2 (S.D.N.Y. Aug. 19, 2014) (quoting *King v. Greiner*, No. 02 Civ. 5810 (DLC), 2009 WL 2001439, at *4 (S.D.N.Y. July 8, 2009)); *see also, e.g., Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

As neither party has submitted objections to the Report, review for clear error is appropriate. Careful review of Judge Lehrburger’s well-reasoned Report reveals no facial error in its conclusions; the Report is therefore adopted in its entirety.

CONCLUSION

For the foregoing reasons, the Court dismisses, without prejudice, all claims brought by Chandler pursuant to Federal Rule of Civil Procedure 41(b).

The Court directs the Clerk to mail a copy of this decision to plaintiff at the address on file.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: July 11, 2018
New York, New York