

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAVID MCGLYNN, :
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 Plaintiff, : 19 Civ. 89 (PAE) (GWG)
 -v- :
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 TOWERS INVESTORS.COM INC., : OPINION & ORDER
 :
 Defendant. :
 :
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PAUL A. ENGELMAYER, District Judge:

Currently pending is plaintiff David McGlynn’s motion for default judgment against Towers Investors.com Inc for copyright infringement under 17 U.S.C. §§ 106, 501 of the Copyright Act, and removal and/or alteration of copyright management information under 17 U.S.C. § 1202(b). Before the Court is the May 5, 2021 Report and Recommendation of the Gabriel W. Gorenstein, United States Magistrate Judge, recommending that the Court grant the motion for damages and costs in the amount of \$5,400. Dkt. 57 (“Report”). The Court incorporates by reference the summary of the facts provided in the Report. For the following reasons, the Court adopts this recommendation.

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 no party has submitted objections to the Report, review for clear error is appropriate. Careful review of Judge Gorenstien's thorough and well-reasoned Report reveals no facial error in its conclusions; the Report is therefore adopted in its entirety. Because the Report explicitly states that failure to object within fourteen (14) days will result in a waiver of objections and will preclude appellate review, Report at 17, the parties' failure to object operates as a waiver of appellate review. *See Caidor v. Onondaga Cty.*, 517 F.3d 601, 604 (2d Cir. 2008) (citing *Small v. Sec'y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989) (per curiam)).

CONCLUSION

For the foregoing reasons, the Court grants the motion for damages and costs in the amount of \$5,400. The Court respectfully 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: June 3, 2021
New York, New York