



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Michael McKinney,

Petitioner,

–v–

The City of New York, et al.,

Respondents.

19-cv-5320 (AJN)

ORDER ADOPTING REPORT AND
RECOMMENDATION

ALISON J. NATHAN, District Judge:

Before the Court is Judge Parker’s Report & Recommendation recommending that the Court grant Defendants’ Motion to Dismiss. See Dkt. No. 53.

When considering the findings and recommendations of a Magistrate Judge, the Court may “accept, reject, or modify [them], in whole or in part.” 28 U.S.C. § 636(b)(1). The Court must make a de novo determination of any portions of a magistrate’s report or findings to which a party raises an objection, and reviews only for “clear error on the face of the record” when there are no timely objections to the Report & Recommendation. *Banks v. Comm’r of Soc. Sec.*, No. 19-cv-929 (AJN) (SDA), 2020 WL 2765686, at *1 (S.D.N.Y. May 27, 2020); see also *Brennan v. Colvin*, No. 13-cv-6338 (AJN), 2015 WL 1402204, at *1 (S.D.N.Y. Mar. 25, 2015); *Hicks v. Ercole*, No. 09-cv-2531 (AJN) (MHD), 2015 WL 1266800, at *1 (S.D.N.Y. Mar. 18, 2015); *Gomez v. Brown*, 655 F. Supp. 2d 332, 341 (S.D.N.Y. 2009). Clear error is found only when, upon review of the entire record, the Court is left with “the definite and firm conviction that a mistake has been committed.” *Laster v. Mancini*, No. 07-CV-8265 (DAB) (MHD), 2013 WL 5405468, at *2 (S.D.N.Y. Sept. 25, 2013) (quoting *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006)).

As of this date, no objections to the Report & Recommendation have been filed, and the deadline for objections has passed. See Dkt. No. 25 at 17. The Court thus reviews the Report & Recommendation for clear error. It finds none. The Court therefore adopts the Report & Recommendation in its entirety and GRANTS Defendant's motion to dismiss for the reasons provided in Judge Parker's Report and Recommendation.

The Clerk of Court is respectfully ordered to mail a copy of this Order and of the Report & Recommendation, Dkt. No. 25, to the Plaintiff. The Clerk of Court is further directed to close this case.

SO ORDERED.

Dated: September 28, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan". The signature is written in a cursive, flowing style.

ALISON J. NATHAN
United States District Judge