

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CARLOS SANCHEZ,

Plaintiff,

v.

ORDER
12-CV-141(LJV)(MJR)

DOCS MEDICAL DEPARTMENT,
KATHLEEN MURRAY, and
DR. BRASELMAN, M.D.

Defendants.

Pro se plaintiff Carlos Sanchez commenced this 42 U.S.C. § 1983 action against the defendants on January 13, 2012. See Docket Item 1. The plaintiff alleged that the defendants wrongfully discontinued or threatened to discontinue his medication while he was incarcerated at the Elmira Correctional Facility.

Pursuant to 28 U.S.C. § 636(b)(1)(B), the Court (Hon. Richard J. Arcara) referred this case to United States Magistrate Judge Michael J. Roemer “for full pretrial matters and to hear and report upon dispositive motions.” Docket Item 54. On March 7, 2016, I replaced Judge Arcara as the district judge assigned to this matter. Docket Item 59.

After the defendants all moved for summary judgment, see Docket Items 39 & 62, Judge Roemer issued a Report and Recommendation, dated August 16, 2016, recommending that the motions be granted. See Docket Item 68. Although the plaintiff did not file statements of facts opposing the defendants’ submissions and did not even

respond to one of the defendant's summary judgment motions, Judge Roemer "opted to review the record to determine whether a genuine dispute exists with respect to any material fact." See *id.* at 7.

Three days after Judge Roemer issued his Report and Recommendation,¹ the clerk's office docketed the plaintiff's "Letter Motion to Withdraw Case," in which the plaintiff respectfully "apologize[d] for bother[ing] you with this matter" and told Judge Roemer that he had "decided [t]o not continue[] with this litigation (lawsuit)." Docket Item 69. Not surprisingly, then, neither side filed any objections to Judge Roemer's August 16, 2016 Report and Recommendation, and the time for filing objections has now passed.

A district court may accept, reject, or modify, in whole or in part, the findings or recommendation of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). In doing so, the district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which an objection is raised. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 require a district court to review the recommendation of a magistrate judge to which no objections are addressed. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

¹ The letter motion was dated August 9, 2016, and stamped "filed" on August 15, 2016, but it was not entered on the docket until August 19, 2016. For that reason, it was not available to Judge Roemer when he issued his Report and Recommendation on August 16, 2016.

After carefully reviewing Judge Roemer's recommendation and the plaintiff's letter, this Court adopts the August 16, 2016 Report and Recommendation (Docket Item 68) in its entirety. Therefore, the defendants' motions for summary judgment (Docket Items 39 & 62) are granted and the complaint is dismissed with prejudice.

As a result of the above, the plaintiff's letter motion is moot, and a decision on the plaintiff's motion is unnecessary.

IT IS SO ORDERED.

Dated: October 13, 2016
Buffalo, New York

s/ Lawrence J. Vilaro
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE