

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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CERIOUS D. McCRAY,

And

LYDIA R. McCRAY,

Plaintiffs,

v.

**DECISION AND ORDER**  
15-CV-409-A

ARNOT OGDEN MEDICAL CENTER,  
JOHANNA DOE and JANE DOE,

Defendants.

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This prisoner civil rights case was referred to Magistrate Judge H. Kenneth Schroeder, Jr. pursuant to 28 U.S.C. § 636(b)(1) for the performance of pretrial proceedings.

On February 23, 2024, Magistrate Judge Schroeder issued a Report, Recommendation and Order (“RR&O”) (Dkt. No. 88) recommending that the Court dismiss the case for plaintiffs’ failure to prosecute according to Rule 41(b) of the Federal Rules of Civil Procedure.

Federal Rule of Civil Procedure 72(b)(3) provides, “[t]he district judge must determine de novo any part of the magistrate judge’s disposition *that has been properly objected to*” (emphasis added). Here, no objections to the R&R have been filed. “When no timely objection is filed, the [C]ourt need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”

1983 Advisory Committee Note to Fed. R. Civ. P. 72(b); *see Patton v. Ford Motor Co.*, 14-CV-0308-RJA-HBS, 2017 WL 2177621, 2017 U.S. Dist. LEXIS 76148, \*5 (W.D.N.Y. May 18, 2017) (same).

The Court finds no clear error with respect to Magistrate Judge Schroeder's recommendations, As such, it is hereby

**ORDERED** that pursuant to 28 U.S.C. § 636(b)(1) and for the reasons set forth in the RR&O, this case is dismissed for failure to prosecute according to Rule 41(b) of the Federal Rules of Civil Procedure.

The Clerk of Court shall enter Judgment in favor of Defendants and shall take all steps necessary to close the case.

**IT IS SO ORDERED.**

*s/Richard J. Arcara*  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: March 19, 2024  
Buffalo, New York