

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CARLOS M. SANCHEZ,

Plaintiff,

v.

17-CV-455
DECISION & ORDER

THE CITY OF BUFFALO, et al.,

Defendants.

On May 23, 2017, the plaintiff, Carlos M. Sanchez, commenced this action.

Docket Item 1. On September 24, 2019, this Court referred this case to United States Magistrate Judge Jeremiah J. McCarthy for all proceedings under 28 U.S.C.

§ 636(b)(1)(A) and (B). Docket Item 8.

On October 31, 2019, one of the defendants—Brenda M. Freedman—moved to dismiss. Docket Item 13. Later that day, defendant Freedman filed an amended motion to dismiss. Docket Item 15. Sanchez did not respond, and his time to do so has passed.

On March 18, 2020, Judge McCarthy issued a Report and Recommendation (“R&R”) finding that Freedman’s amended motion to dismiss should be granted. Docket Item 18. The parties did not object to the R&R, and the time to do so now has expired. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). The court must review *de novo* those portions of a magistrate judge’s recommendation to which a party

objects. 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 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge McCarthy's R&R as well as the submissions to him. Based on that review and the absence of any objections, the Court accepts and adopts Judge McCarthy's recommendation to grant Freedman's amended motion to dismiss.

For the reasons stated above and in the R&R, Freedman's amended motion to dismiss, Docket Item 15, is GRANTED. The Clerk of Court shall terminate Freedman as a defendant. The case is referred back to Judge McCarthy for further proceedings consistent with the referral order of September 24, 2019, Docket Item 8.

SO ORDERED.

Dated: June 16, 2020
Buffalo, New York

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