



Pesto granted the motion and extended the deadline to June 30, 2022 [Doc. 15]. A second motion for an additional 30-day extension was denied by Judge Pesto on June 27, 2022 [Doc. 17]. On August 16, 2022, Magistrate Judge Pesto filed an R&R recommending that Plaintiff's motion for reconsideration, properly construed as a motion to alter or amend judgment pursuant to Federal Rule of Civil Procedure 59(e), be denied. [Doc. 18]. Plaintiff was advised that he had fourteen days to file written objections to the R&R. See 28 U.S.C. § 636 (b)(1)(B) and (C) and Local Civil Rule 72.D.2. Once again, Plaintiff failed to file objections, and the time to do so has expired.

Upon review of the record and the Report and Recommendation under the applicable "reasoned consideration" standard, *see EEOC v. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (standard of review when no timely and specific objections are filed), and pursuant to Local Civil Rule 72.D.2, the Court will accept in whole the findings and recommendations of the Magistrate Judge in this matter.

As Judge Pesto observed, Plaintiff has been extended more than ample opportunity to file objections to the original R&R in this case, and he repeatedly has failed to take advantage of that opening. He failed to file objections within the initial 14-day period. After being given the benefit of the doubt that he did not receive the original R&R, he was given a second 14-day window to file objections, and was advised that his failure to do so would constitute a waiver of his right to object. He then was granted an additional 30-day window to file objections. When his request for yet another extension was denied, he filed no objections prior to the expiration of the June 30 deadline. And now he has missed the deadline to object to the second R&R. As Plaintiff previously was cautioned, his failure to timely file objections would result in the denial of his motion for reconsideration. Despite this warning, Plaintiff still to this day has filed no objections to either R&R. His chances now have run out.

Moreover, as Judge Pesto correctly noted, Plaintiff has advanced no grounds for relief under Rule 59(e). *See Wiest v. Lynch*, 710 F.3d 121, 128 (3d Cir. 2014) (setting forth proper bases for a motion to alter or amend judgment).

Accordingly, the following order is entered:

**ORDER OF COURT**

AND NOW, this 15<sup>th</sup> day of September, 2022, for the reasons set forth in the Magistrate Judge's Report and Recommendation [Doc. 18], which is adopted in whole as the opinion of the Court as supplemented herein, IT IS ORDERED that Plaintiff's motion for reconsideration [Doc. 12] hereby is **denied**.



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Stephanie L. Haines  
United States District Judge