

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHARLES WARREN,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.

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**ORDER ADOPTING
REPORT AND RECOMMENDATION
15-CV-4063(PKC)(CLP)**

PAMELA K. CHEN, United States District Court Judge:

Plaintiff Charles Warren commenced this action against Defendant the City of New York, the New York City Department of Correction (“DOC”), Correction Officer FNU Harden, and Correction Officer FNU Tyler, seeking damages for injuries allegedly suffered on October 31, 2012. Plaintiff alleged that Defendants violated his constitutional rights under the First, Fourth, Sixth, Eighth, and Fourteenth Amendments, when the Correction Officers opened plaintiff’s cell door and, subsequently, members of the Bloods gang assaulted Plaintiff.

Plaintiff’s current counsel, Devon Marie Wilt, has filed a motion seeking authorization to pay Plaintiff’s previous counsel, David Segal, an amount in *quantum meruit* for work he had performed related to this matter, prior to his suspension. Before the Court is the Report and Recommendation (“R&R”) of the Honorable Cheryl L. Pollak, dated February 17, 2017, recommending that Wilt’s motion be denied without prejudice because papers submitted by Wilt do not indicate whether her client has been provided with notice of the instant motion for attorney fees.

A district court reviews those portions of a report and recommendation to which a party has timely objected under a *de novo* standard of review and “may accept, reject, or modify, in

whole or in part, the findings or recommendations” 28 U.S.C. § 636(b)(1)(C). However, where no objections to the Report and Recommendation have been filed, the district court “need only satisfy itself that that there is no clear error on the face of the record.” *Urena v. New York*, 160 F. Supp. 2d 606, 609–10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

Here, the Report and Recommendation properly informed Plaintiff’s counsel that any objections had to be filed within 14 days of receipt of the report. *See* R&R at 4 (citing 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)(2); *Caidor v. Onondaga Cnty.*, 517 F.3d 601, 604 (2d Cir. 2008). The statutory period for filing objections has expired, and to date, no objections have been filed. (*See generally* Docket No. 15-CV-4063.) Accordingly, the Court reviews the report for “clear error.”

The Court finds no error in Judge Pollack’s well-reasoned Report and Recommendation. Indeed, it is entirely appropriate that Wilt advise her client of the instant motion, which proposes to provide a portion of the attorney’s fees obtained in this matter to Plaintiff’s former, now-suspended attorney. The Court hereby affirms and adopts, in its entirety, Judge Pollack’s Report and Recommendation as the opinion of the Court. Accordingly, Plaintiff’s counsel’s request is denied without prejudice.

SO ORDERED:

/s/ Pamela K. Chen
PAMELA K. CHEN
United States District Judge

Dated: April 3, 2017
Brooklyn, New York