

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

RAKHMATULLA ASATOV,
Plaintiff,

v.

MICHAL’S QUALITY TRANSPORTATION
AND DOVYDAS APANAVICIUS,
Defendant.

No. 3:21-cv-00822 (VAB)

ORDER ADOPTING RECOMMENDED RULING

Rakhmatulla Asatov (“Plaintiff”) sued Michal’s Quality Transportation and Dovydas Apanavicius (“Defendants”) on June 16, 2021. *See* Compl., ECF No. 1 (June 16, 2021). On that same date, Mr. Asatov filed a motion for leave to proceed *in forma pauperis*. *See* Mot. for Leave to Proceed *In Forma Pauperis*, ECF No. 2 (June 16, 2021). The Court referred the motion and Complaint to Magistrate Judge Sarah A. L. Merriam. *See* Order Referring Case, ECF No. 6 (June 22, 2021). On July 21, 2022, Magistrate Judge Merriam issued a Report and Recommendation recommending dismissal with prejudice as to Count III of the Complaint due to the Court’s lack of subject matter jurisdiction, and dismissal as to the remaining claims without prejudice to renewal due to failure to state a claim. *See* Recommended Ruling, ECF No. 7 (July 21, 2021). Mr. Asatov failed to file an objection to the Recommended Ruling by the deadline of August 9, 2021. *See* Recommended Ruling, ECF No. 7 (July 21, 2021) (“Any objections to this Recommended Ruling must be filed on or before August 9, 2021. Failure to file an objection by this deadline will preclude appellate review.” (emphasis omitted)).

Where a party receives clear notice of the consequences of not objecting to the recommended ruling of a magistrate judge, the Court may adopt the recommended ruling without

de novo review unless clear error appears on the face of the record. *See Colvin v. Berryhill*, 734 2 F. App'x 756, 758 (2d Cir. 2018) (“Where, as here, a party receives clear notice of the consequences of not objecting to a Report and Recommendation, the party’s failure to object to any purported error or omission in a magistrate judge’s report results in the district court’s review only for clear error”); *see also Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision.”). There is no such error on the face of the Report and Recommendation from Magistrate Judge Merriam, and, further, the Court agrees with its underlying analysis.

Accordingly, Magistrate Judge Merriam’s Report and Recommendation is **ADOPTED**; Count III of the Complaint is **DISMISSED with prejudice**; and the Complaint is otherwise **DISMISSED without prejudice to renewal**. As indicated in the Report and Recommendation, Plaintiff may file an Amended Complaint, without Count III, and the Court *sua sponte* extends the deadline for Plaintiff to file such Amended Complaint to **October 1, 2021**. Failure to file an Amended Complaint by that date may result in the dismissal of this case with prejudice.

SO ORDERED at Bridgeport, Connecticut, this 24th day of August, 2021.

/s/ Victor A. Bolden
Victor A. Bolden
United States District Judge