

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MILLENNIUM TGA, INCORPORATED,

Plaintiff,

**MEMORANDUM & ORDER**  
12-CV-01360 (MKB)

v.

JOEL LEON and JOHN DOES #1–5,

Defendants.

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MARGO K. BRODIE, United States District Judge:

Plaintiff Millennium TGA, Inc. (“Millennium”) commenced the above-captioned action on March 20, 2012, against Defendants Joel Leon and John Does #1–5 alleging Copyright Infringement pursuant to 17 U.S.C. § 501, fraud in connection with computers pursuant to 18 U.S.C. § 1030(g) and civil conspiracy. (Compl. ¶¶ 32–54.) Plaintiff served Leon (“Defendant”) with the Summons and Complaint on April 6, 2012. Defendant failed to answer the Complaint or otherwise appear in this action. On May 1, 2012, the Clerk of Court noted Defendant’s default. (Docket Entry No. 8.) Plaintiff subsequently moved for a default judgment. (Docket Entry No. 9, Def. Mot. for Default J.) By Report and Recommendation (“R&R”) dated September 23, 2013, Magistrate Judge Cheryl L. Pollak recommended that the Court grant Plaintiff’s motion for entry of a default judgment and that Plaintiff be awarded \$20,498.00 in damages, consisting of \$18,300.00 in actual copyright damages and \$2,198.00 in investigative costs. (Docket Entry No. 31.) No objections were filed.

A district court reviewing a magistrate judge’s recommended ruling “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “Failure to object to a magistrate judge’s report and recommendation

within the prescribed time limit ‘may operate as a waiver of any further judicial review of the decision, as long as the parties receive clear notice of the consequences of their failure to object.’” *Sepe v. New York State Ins. Fund*, 466 F. App’x 49, 50 (2d Cir. 2012) (quoting *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997)); *see also Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P.C.*, 596 F.3d 84, 92 (2d Cir. 2010) (“[A] party waives appellate review of a decision in a magistrate judge’s Report and Recommendation if the party fails to file timely objections designating the particular issue.”).

The Court has reviewed the unopposed R&R, and, finding no clear error, the Court adopts Judge Pollak’s R&R in its entirety pursuant to 28 U.S.C. § 636(b)(1). The Clerk of Court is directed to enter a default judgment against Defendant.

SO ORDERED:  
s/ MKB 10/18/2013

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MARGO K. BRODIE  
United States District Judge

Dated: October 18, 2013  
Brooklyn, New York