

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ROBERT D'ONOFRIO,

Plaintiff,

-against-

CITY OF NEW YORK; NEW YORK CITY  
POLICE DEPARTMENT; LT. PATRICIA  
FEELY, both in her individual and official  
capacity; STEAMFITTERS' UNION LOCAL  
638; JOHN TORPEY, President of Local 638,  
both in his individual and official capacity;  
ROBERT BARTELS, Business Agent 638, both  
in his individual and official capacity;  
CHARLES KRASS, Business Agent 638, both  
in his individual and official capacity; THOMAS  
INCANTALUPO, Shop Steward 638, both  
in his individual and official capacity; NYC  
OFFICE OF LABOR RELATIONS,

Defendant.

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ROBERT D'ONOFRIO,

Plaintiff,

-against-

STEAMFITTERS' UNION LOCAL 638,

Defendant.

-----X  
AMON, United States District Judge:

This Court has received the Report and Recommendation of the Honorable Lois Bloom,  
United States Magistrate Judge, dated September 13, 2010, recommending that this Court grant  
the defendant's motion for summary judgment as to docket number 07-CV-0731 and remanding

NOT FOR PUBLICATION  
ORDER

07-CV-0731 (CBA)(LB)

09-CV-3970 (CBA)(LB)

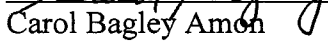
docket number 09-CV-3970 to the Civil Court of the City of New York, Kings County, on the ground that the Court lacks subject matter jurisdiction over the action. The parties were granted fourteen (14) days from service of the Report to file written objections. As no party has objected as of this date, the Court hereby adopts the recommendation of June 28, 2010. Accordingly, as to docket number 07-CV-0731, defendant's motion for summary judgment is granted and plaintiff's action is dismissed with prejudice. As to docket number 09-CV-3970, the case is remanded to the Civil Court of the City of New York, Kings County.

The Clerk of the Court is directed to enter judgment in accordance with this Order as to docket number 07-CV-0731 and close the case.

SO ORDERED.

Dated: Brooklyn, New York  
November 3, 2010

s/Carol Bagley Amon

  
Carol Bagley Amon  
United States District Judge

Copy mailed to:  
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