

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

| | | |
|-------------------------------------|---|---------------------|
| _____ |) | |
| ALEXANDRE BORISOVSKI, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No. 16-309 WES |
| |) | |
| CITY OF PROVIDENCE; PROVIDENCE |) | |
| PUBLIC LIBRARY; "JOHN" SAN ANTONIO, |) | |
| in his capacity as Patrolman; |) | |
| STEVEN O'BRIEN, in his capacity as |) | |
| Security Guard, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

ORDER

WILLIAM E. SMITH, Chief Judge.

Before the Court is a Report and Recommendation ("R&R") filed on March 14, 2018 by Magistrate Judge Patricia A. Sullivan (ECF No. 29), in which she recommends that the Court grant Defendant City of Providence's Motion for Summary Judgment (ECF No. 25). After reviewing the relevant papers and the R&R, and having heard no objections, the Court accepts the R&R and adopts its recommendations and reasoning. Accordingly, Defendant City of Providence's Motion for Summary Judgment (ECF No. 25) is GRANTED.

Judgment shall enter in favor of Defendant City of Providence.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "WESMITH", written in a cursive style.

William E. Smith
Chief Judge
Date: April 5, 2018

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

| | | |
|---------------------------------|---|--------------------|
| ALEXANDRE BORISOVSKI, | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | C.A. No. 16-309WES |
| | : | |
| CITY OF PROVIDENCE, | : | |
| PROVIDENCE PUBLIC LIBRARY, | : | |
| “JOHN” SAN ANTONIO, in his | : | |
| capacity as Patrolman, | : | |
| STEVEN O’BRIEN, in his capacity | : | |
| as Security Guard, | : | |
| Defendants. | : | |

REPORT AND RECOMMENDATION

PATRICIA A. SULLIVAN, United States Magistrate Judge.

Pending before the Court is the motion for summary judgment of Defendant City of Providence (ECF No. 25) based on Monell v. City of New York Department of Social Services, 436 U.S. 658, 691 (1978), as well as on the insufficiency in law and fact of Plaintiff’s claims against it. Plaintiff’s opposition to the motion was due on February 14, 2018. When nothing was filed, mindful of Plaintiff’s *pro se* status, the Court issued a show cause order, directing Plaintiff to advise the Court in writing by March 30, 2018, why he failed to respond and whether he opposes the motion. On March 12, 2018, Plaintiff complied, advising that he has resolved the case with some defendants and does not intend to prosecute it against the remaining Defendants, including the City of Providence.¹ The Court has reviewed the motion, which is supported by the deposition of Plaintiff. Finding that the City of Providence has established that it is entitled

¹ The Providence Public Library and Steven O’Brien were dismissed from the case on January 11, 2018. ECF No. 24. “Patrolman San Antonio” appears not to have been served; the case against him is dismissed if he is a party.

to judgment pursuant to Fed. R. Civ. P. 56(e)(3), I recommend that the motion be granted and that judgment enter in favor of the City of Providence.

Any objection to this report and recommendation must be specific and must be served and filed with the Clerk of the Court within fourteen (14) days after its service on the objecting party. See Fed. R. Civ. P. 72(b)(2); DRI LR Cv 72(d). Failure to file specific objections in a timely manner constitutes waiver of the right to review by the district judge and the right to appeal the Court's decision. See United States v. Lugo Guerrero, 524 F.3d 5, 14 (1st Cir. 2008); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605 (1st Cir. 1980).

/s/ Patricia A. Sullivan
PATRICIA A. SULLIVAN
United States Magistrate Judge
March 14, 2018