

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Moneywell Grp LLC v. Titan Trucking LLC, Standard Waste Services, TESI Inc., Senior Trucking LLC, Titan Environmental Solutions, and Jeffrey John Rizzo

No. 25-CV-274 (JLS) (LGF) · No. 25-CV-274 (JLS) (LGF) · Decided January 20, 2026

SUMMARY

The United States District Court for the Western District of New York adopts a magistrate judge’s Report and Recommendation and dismisses the action for failure to prosecute. The dismissal followed plaintiff’s failure to respond to a request regarding counsel’s admission to the court and to an order to show cause.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	John L. Sinatra, Jr.
JURISDICTION	United States District Court for the Western District of New York
DECIDED	January 20, 2026
DOCKET	25-CV-274 (JLS) (LGF)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff's state-court breach-of-contract action was removed to federal court. After plaintiff's attorney failed to respond to a request for verification of admission to the court and an order to show cause, the magistrate judge recommended dismissal for failure to prosecute. The district court adopted the recommendation and dismissed the action.
STANDARD OF REVIEW	Under 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b)(3), de novo review is required for portions of a magistrate judge's recommendation to which a party objects. When no objections are filed, neither the statute nor Rule 72 requires district-court review of the recommendation.
PRECEDENTIAL VALUE	unpublished district court decision

TOPICS

civil procedure

breach of contract

commercial litigation

PRACTICE AREAS

civil procedure

commercial litigation

contracts

QUESTIONS PRESENTED

1. Whether the district court was required to review the magistrate judge's Report and Recommendation when neither party filed objections.
2. Whether the action should be dismissed for failure to prosecute based on plaintiff's failure to comply with the court's requests and order to show cause.

HOLDINGS

1. When no objections are filed to a magistrate judge's recommendation, 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72 do not require the district court to review the recommendation.
2. The action was dismissed for failure to prosecute because plaintiff failed to respond to the court's request regarding counsel's admission and failed to respond to the order to show cause.

KEY QUOTATIONS

“A district court must conduct a de novo review of those portions of a magistrate judge’s recommendation to which a party objects. See 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 686 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised.”

FACTUAL BACKGROUND

Moneywell commenced an action alleging breach of contract against Titan Trucking LLC and the other defendants. After removal, the court requested verification that plaintiff's attorney was admitted to practice before the court. Counsel did not respond to that request or to a subsequent order to show cause concerning the lack of representation by an attorney admitted to the court.

PROCEDURAL HISTORY

Plaintiff commenced the action in New York State court on February 26, 2025, and defendants removed it to federal court on March 27, 2025. The matter was referred to Magistrate Judge Leslie G. Foschio, who issued a request concerning plaintiff's counsel's admission, followed by an order to show cause when counsel did not respond. After counsel also failed to respond to the order to show cause, the magistrate judge issued a Report and Recommendation recommending dismissal for failure to prosecute. No objections were filed, and the district court accepted and adopted the recommendation.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 149-50 (1985)

OPINION

S STATES UNITED STATES DISTRICT COURT SES □□□ WESTERN DISTRICT OF NEW YORK JAN 20 2026 Rei 2EWENGUIA gs MONEYWELL GRP LLC, SLesrepioenuensues og S Plaintiff, v. 25-CV-274 (JLS) (LGF) TITAN TRUCKING LLC, STANDARD WASTE SERVICES, TESI INC., SENIOR TRUCKING LLC, TITAN ENVIRONMENTAL SOLUTIONS, and JEFFREY JOHN RIZZO Defendants. DECISION AND ORDER Plaintiff commenced this action in New York State court on February 26, 2025, asserting claims based on an alleged breach of contract.

See Dkt. 1-1 at 3-7. The case was removed to federal court on March 27, 2025. Dkt. 1. The case has been referred to United States Magistrate Judge Leslie G. Foschio for all proceedings under 28 U.S.C. §§ 636(b)(1)(A), (B), and (C). Dkt. 10.

On March 28, 2025, “a request for verification of admission to this court” was sent to Plaintiffs attorney, Isaac Greenfield. Dkt. 13 at 2. On July 11, 2025, because Mr. Greenfield did not respond to this request, Magistrate Judge Foschio issued an order to show cause for why the case “should not be dismissed for lack of representation by an attorney admitted to this court.” Dkt.

12. Mr. Greenfield never responded to this order, either. Dkt. 13 at 2. On December 5, 2025, Judge Foschio issued a Report and Recommendation (R&R) addressing Plaintiffs lack of compliance with the court order. Dkt. 13. He recommends that the action be dismissed for failure to prosecute the case. Id. at 6. Neither party filed objections, and the time to do so has expired.

See Dkt. 13 at 7 (specifying that objections were due fourteen days from receipt). A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a de novo review of those portions of a magistrate judge’s recommendation to which a party objects.

See 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 686 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See Thomas v. Arn, 474 U.S. 140, 149-50 (1985). This Court carefully reviewed the R&R and, based on that review, and in the absence of any objections, the Court accepts and adopts Judge Foschio’s recommendation.

Thus, for the reasons in the R&R, Plaintiffs action is DISMISSED for failure to prosecute. The Clerk of Court shall close this case. SO ORDERED. Dated: January 20, 2026 = □□ Buffalo, New York JOHN L. SINATRA, JR. 9 UNITED STATES DISTRICT JUDGE

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