

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHENG-WEN CHENG,

Plaintiff,

-against-

DEPARTMENT OF JUSTICE, and FEDERAL
BUREAU OF INVESTIGATION,

Defendants.

ANALISA TORRES, District Judge:

USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/19/2024

23 Civ. 3983 (AT) (GS)

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**

On May 12, 2023, *pro se* Plaintiff, Sheng-Wen Cheng, filed this Freedom of Information Act action seeking all unclassified documents that former President Donald J. Trump took to his Mar-a-Lago residence from the White House. ECF No. 1. The Government moves to dismiss the case as moot, contending that Plaintiff has conceded that the Federal Bureau of Investigation properly withheld the requested records pursuant to 5 U.S.C. § 552(b)(7)(A). ECF No. 33–34. On October 11, 2023, the Court referred the motion to Magistrate Judge Gary Stein for a report and recommendation. ECF No. 37.

After careful consideration, Judge Stein issued a Report and Recommendation (the “R&R”), recommending that the Government’s motion be denied. R&R at 1, 15, ECF No. 44. Despite notification of the right to object to the R&R, no objections were filed, and the time to do so has passed. *See* R&R at 16; Fed. R. Civ. P. 72(b)(2). When no objection is made, the Court reviews the R&R for clear error. *Santiago v. Colvin*, 12 Civ. 7052, 2014 WL 1092967, at *1 (S.D.N.Y. Mar. 17, 2014). The Court finds no clear error. Accordingly, the Court ADOPTS Judge Stein’s R&R in its entirety.

By **March 26, 2024**, the Government shall submit a proposed briefing schedule for its summary judgment motion. *See* R&R at 15. The Clerk of Court is directed to terminate the motion at ECF No. 33 and mail a copy of the R&R and this order to *pro se* Plaintiff.

SO ORDERED.

Dated: March 19, 2024
New York, New York



ANALISA TORRES
United States District Judge