

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

SHARON L.,)	
)	
Plaintiff,)	
)	
v.)	2:22-cv-00268-JDL
)	
KILOLO KIJAKAZI,)	
Acting Commissioner of)	
Social Security,)	
)	
Defendant.)	

**ORDER ACCEPTING THE RECOMMENDED DECISION
OF THE MAGISTRATE JUDGE**

Sharon L. seeks judicial review of the Acting Social Security Administration Commissioner’s final decision determining that she is not disabled and denying her application for disability insurance benefits under Title II of the Social Security Act (ECF No. 1). Pursuant to 28 U.S.C.A. § 636(b)(3) (West 2022) and D. Me. Local R. 16.3(a)(2), United States Magistrate Judge John C. Nivison held a hearing on Plaintiff’s Statement of Errors (ECF No. 13) on March 16, 2023. The Magistrate Judge filed his Recommended Decision with the Court on March 29, 2023 (ECF No. 20), recommending that the Court affirm the Commissioner’s decision. Plaintiff objected to the Recommended Decision on April 12, 2023 (ECF No. 21). The Commissioner filed a Response to the Plaintiff’s Objection (ECF No. 22) on April 24, 2023.

The Commissioner argues that the Plaintiff’s Objection is improper because it only superficially acknowledges the Magistrate Judge’s Recommended Decision and

instead focuses entirely on the adverse decision of the Administrative Law Judge. I agree that the Plaintiff has come close to waiving her right to *de novo* review by focusing her Objection only on the Administrative Law Judge's decision rather than the Magistrate Judge's Recommended Decision. *See Brianna P. v. Kijakazi*, 2:22-cv-00002-NT, 2022 WL 18024629, at *1 n.1 (D. Me. Dec. 30, 2022); *see also Anna Marie W. v. Kijakazi*, No. 1:20-cv-446-DBH, 2021 WL 5304177, at *1 (D. Me. Nov. 15, 2021) (concluding that a plaintiff's objection, which ignored the Magistrate Judge's Recommended Decision and focused only on the decision of the Administrative Law Judge, improperly "treat[ed] the Magistrate Judge's . . . Recommended Decision as a nullity"). However, similar to the Court's conclusion in *Brianna P.*, 2022 WL 18024629, at *1 n.1, I conclude that a "generous[]" reading of the Plaintiff's Objection shows that she objects to the Magistrate Judge's findings that (1) the Administrative Law Judge acted in accordance with her obligation to weigh the evidence, including expert opinions, and to resolve conflicts in the evidence, and (2) the Administrative Law Judge provided good reasons to afford little weight to the opinion of Plaintiff's treating physician.

After reviewing and considering the Magistrate Judge's Recommended Decision, together with the entire record, I have made a *de novo* determination of all matters adjudicated by the Magistrate Judge's Recommended Decision. I concur with the Magistrate Judge's conclusions as set forth in his Recommended Decision and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision (ECF No. 20) of the Magistrate Judge is hereby **ACCEPTED**, and the Commissioner's decision is **AFFIRMED**.

SO ORDERED.

Dated this 17th day of May, 2023.

/s/ Jon D. Levy
CHIEF U.S. DISTRICT JUDGE