

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

<p>NICHOLAS D.,</p> <p style="padding-left: 40px;">Plaintiff,</p> <p style="padding-left: 80px;">v.</p> <p>MARTIN O'MALLEY,¹</p> <p style="padding-left: 40px;">Commissioner of Social Security,</p> <p style="padding-left: 80px;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>2:22-cv-00354-JDL</p>
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**ORDER ACCEPTING THE RECOMMENDED DECISION OF THE
MAGISTRATE JUDGE**

Nicolas D. seeks judicial review of the Social Security Administration Commissioner's ("the Commissioner") final decision determining that he is not disabled and denying his application for Supplemental Security Income (ECF No. 1). Pursuant to 28 U.S.C.A. § 636(b)(3) (West 2023) and D. Me. Local R. 16.3(a)(2), United States Magistrate Judge Karen Frink Wolf held a hearing on the Plaintiff's Statement of Errors (ECF No. 13) on September 13, 2023 (ECF No. 21). In her Recommended Decision (ECF No. 22), which was docketed on December 21, 2023, the Magistrate Judge found no reversible error and recommended that the Court accept the Commissioner's decision. The Magistrate Judge's Recommended Decision concluded with a notice to the parties that failing to object would waive their right to

¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley is substituted for Kilolo Kijakazi as the Defendant in this suit. *See also* 42 U.S.C.A. § 405(g) (West 2023) ("Any action instituted in accordance with this subsection shall survive notwithstanding any change in the person occupying the office of Commissioner of Social Security or any vacancy in such office.").

de novo review and appeal. The time to object to the Recommended Decision expired without either party filing any objections.

After careful consideration of the Recommended Decision and the underlying record, I concur with the Magistrate Judge's conclusions. It is therefore **ORDERED** that the Magistrate Judge's Recommended Decision (ECF No. 22) is hereby **ACCEPTED**, and the Plaintiff's Complaint (ECF No. 1) is **DISMISSED**.

SO ORDERED.

Dated this 22nd day of February, 2024.

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