

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 5/23/2016

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LEON CARSON, JR.,
Plaintiff,
-against-
CAROLYN W. COLVIN,
Acting Commissioner of Social Security,
Defendant.
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14 Civ. 10071 (LGS)
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ORDER AND OPINION
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LORNA G. SCHOFIELD, District Judge:

Before the Court is the Report and Recommendation of Magistrate Judge Gabriel W. Gorenstein (“Report”), recommending that the Court grant the Commissioner’s motion for judgment on the pleadings. For the reasons stated below, the Report is adopted in its entirety, the motion is granted and the case is dismissed.

Plaintiff, who is appearing pro se, filed the Complaint in this action on December 10, 2014, seeking review of the decision of an Administrative Law Judge (“ALJ”) denying Plaintiff’s application for supplemental security income. The Appeals Council denied Plaintiff’s request for review making the ALJ’s determination the Commissioner’s final decision.

This case was referred to Judge Gorenstein on January 15, 2015. The Commissioner filed a motion for judgment on the pleadings on June 19, 2015. The motion asserts that the ALJ’s decision is supported by substantial evidence and urges the Court to affirm that decision. Plaintiff filed a response opposing the Commissioner’s motion on September 9, 2015. Plaintiff seeks reversal or remand of the ALJ’s decision on the ground that it is not supported by substantial evidence.

Judge Gorenstein issued the Report on March 22, 2016. The Report concludes that the ALJ’s decision is supported by substantial evidence and recommends that the Commissioner’s

motion for judgement on the pleadings be granted. Plaintiff did not file objections to the Report.

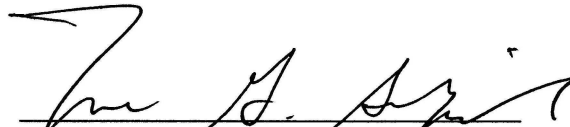
A district court reviewing a magistrate judge's report and recommendation "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). The district court "may adopt those portions of the report to which no 'specific, written objection' is made, as long as the factual and legal bases supporting the findings and conclusions set forth in those sections are not clearly erroneous or contrary to law." *Adams v. New York State Dep't of Educ.*, 855 F. Supp. 2d 205, 206 (S.D.N.Y. 2012) (citing Fed. R. Civ. P. 72(b)); *Thomas v. Arn*, 474 U.S. 140, 149 (1985)).

The factual findings and legal conclusions underlying the Report are not clearly erroneous or contrary to law. Accordingly, the Report is ADOPTED in its entirety as the decision of the Court. The Commissioner's motion for judgement on the pleadings is GRANTED, and the Complaint is dismissed.

The Clerk of Court is directed to close the motion at Docket No. 20 and to close this case.

SO ORDERED.

Dated: May 23, 2016
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE