UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Mary G. Beauregard,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 5:13-cv-206
	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
(Docs. 17, 22 & 24)

This matter came before the court for a review of the Magistrate Judge's June 12, 2014 Report and Recommendation ("R & R"). Defendant has filed a motion to reverse decision of commissioner. (Doc. 17) Defendant opposes the motion and has filed a motion for order affirming decision of the commissioner. (Doc. 22) Neither party has objected to the R & R, and the deadline for doing so has expired.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); *Cullen v. United States*, 194 F.3d 401, 405 (2d Cir. 1999). The district judge 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); *accord Cullen*, 194 F.3d at 405. A district judge, however, is not required to review the factual or legal conclusions of the magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. *See*

Campbell v. United States Dist. Court, 501 F.2d 196, 206 (9th Cir. 1974), *cert. denied*, 419 U.S. 879 (1974).

In his twenty-one page R & R, the Magistrate Judge carefully reviewed the factual record and the pending motions and recommended that the court grant in part Plaintiff's motion to reverse and remand the decision of the Commissioner of Social Security (the "Commissioner") and deny the Commissioner's motion to affirm. The Magistrate Judge further recommended that the matter be remanded for further proceedings and a new decision. Neither party has objected to this recommendation which the court finds well-reasoned.

For the foregoing reasons, the court hereby ADOPTS the Magistrate Judge's R & R as the court's Order and Opinion, and GRANTS IN PART Plaintiff's motion to reverse decision of the Commissioner, DENIES the Defendant's motion for order affirming the decision of the Commissioner, and REMANDS this matter for further proceedings and a new decision.

SO ORDERED.

Dated at Rutland, in the District of Vermont, this 30th day of July, 2014.

Christina Reiss, Chief Judge
United States District Court