

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**DAWN BERRY VALLIERE,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** )  
 )  
 **NANCY A. BERRYHILL,** )  
 *Acting Commissioner of Social* )  
 *Security* )  
 )  
 **Defendant.** )

**2:17-cv-00189-JDL**

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

This case concerns a social security disability appeal by Plaintiff Dawn Berry Valliere of her denied application for supplemental security income benefits. Defendant Nancy A. Berryhill, Acting Commissioner of Social Security, has moved to dismiss Valliere's complaint as untimely under 42 U.S.C. § 405(g).

The United States Magistrate Judge, John H. Rich III, filed his Report and Recommended Decision (ECF No. 14) with the court on October 29, 2017, pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), recommending that the motion to dismiss be granted. The Plaintiff filed an Objection to the Report and Recommended Decision (ECF No. 15) on November 9, 2017, and the Defendant filed a Response to the Plaintiff's Objection (ECF No. 16) on November 15, 2017.

I have reviewed and considered the Magistrate Judge's Report and Recommended Decision, together with the entire record, and have made a de novo determination of all matters it adjudicated. I concur with the Magistrate Judge's

conclusions as set forth in the Recommended Decision and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ACCEPTED**. The Commissioner's decision is **AFFIRMED** and the Motion to Dismiss (ECF No. 11) is **GRANTED**.

**SO ORDERED.**

**Dated this 18th day of December, 2017.**

/s/ JON D. LEVY  
**U.S. DISTRICT JUDGE**