

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\_\_\_\_\_  
 BRIAN EDWARD MAHONEY,  
  
 Plaintiff,  
  
 v.  
  
 CAROLYN W. COLVIN,  
 Acting Commissioner of Social Security,  
  
 Defendant.  
 \_\_\_\_\_

Civil Action No. 15-13023-NMG

REPORT AND RECOMMENDATION ON COMMISSIONER’S MOTION  
TO DISMISS AND PLAINTIFF’S MOTION FOR ADDITIONAL DAMAGES  
[Docket Nos. 35, 39]

November 7, 2016

Boal, M.J.

Plaintiff Brian Edward Mahoney seeks judicial review of a July 2013 reconsideration decision regarding an overpayment of benefits under Title II of the Security Act and an April 2014 reconsideration decision regarding the suspension of his benefits. Defendant Carolyn Colvin, Acting Commissioner of Social Security (the “Commissioner”), has moved to dismiss the action for lack of subject matter jurisdiction. Docket No. 35.<sup>1</sup> In addition, Mahoney has filed a motion “for additional damages requested in his complaint.” Docket No. 39.<sup>2</sup> For the following reasons, the Court recommends that the District Judge assigned to this case grant the Commissioner’s motion to dismiss and deny Mahoney’s motion for additional damages.

<sup>1</sup> The District Court referred this motion to the undersigned on May 31, 2016. Docket No. 37.

<sup>2</sup> The District Court referred this motion to the undersigned on June 7, 2016. Docket No. 40.

*After consideration of plaintiff's objection (Docket No. 67) thereto, Report and Recommendation is accepted and adopted.  
SKM/Goston, USDJ 4/12/17*