

★ SEP 18 2015 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JACK FREEDMAN,

Plaintiff,

-against-

Carolyn W. Colvin,
ACTING COMMISSIONER OF SOCIAL
SECURITY,

Defendant.
-----X

TOWNES, United States District Judge:

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

14-CV-2910 (SLT)(VMS)

On May 8, 2014, plaintiff Jack Freedman ("Plaintiff") commenced this action against Carolyn Colvin, Acting Commissioner of Social Security (the "Commissioner"), appealing the Commissioner's final decision denying Plaintiff disability benefits. (Doc. 1.) The parties cross-moved for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c). (Docs. 15-17.) The cross motions were referred to Magistrate Judge Vera M. Scanlon for a Report and Recommendation ("R&R"), which was issued on August 20, 2015. (R&R, Aug. 20, 2015, Doc. 23.) The R&R recommends that the Commissioner's motion be granted, that Plaintiff's motion be denied, and that judgment be entered in favor of the Commissioner. (*Id.* at 1, 31.) The R&R specifically advised that "failure to file objections [to the R&R by September 2, 2015] waives the right to appeal before the District Court as well as a higher appellate court." (*Id.* at 31.) The date to file objections has long passed without any activity on the docket.

A district court is not required to review the factual or legal conclusions of a magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Nonetheless, when no objections are filed, many

courts seek to satisfy themselves “that there is no clear error on the face of the record.” Fed. R. Civ. P. 72(b) advisory committee note (1983 Addition); *see also Edwards v. Town of Huntington*, No. 05 Civ. 339 (NGG) (AKT), 2007 WL 2027913, at *2 (E.D.N.Y. July 11, 2007). Accordingly, this Court has reviewed the R&R for clear error on the face of the record. The Court finds no clear error, and therefore adopts the R&R in its entirety as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

CONCLUSION

For the reasons stated above, Magistrate Judge Scanlon’s Report and Recommendation dated August 20, 2015, is adopted in its entirety. (Doc. 23.) The Commissioner’s motion for judgment on the pleadings (Doc. 15) is hereby **GRANTED**, Plaintiff’s cross-motion for judgment on the pleadings (Doc. 17) is hereby **DENIED**. The Clerk of the Court is respectfully requested to enter judgment for the Commissioner and close this case.

SO ORDERED.

/s/ Sandra L. Townes


SANDRA L. TOWNES

United States District Judge

Dated: September 18, 2015
Brooklyn, New York