

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

\_\_\_\_\_  
LUCIA LANZILLO,

Plaintiff,

-against-

NANCY BERRYHILL, Acting Commissioner of  
Social Security,

Defendant.  
\_\_\_\_\_X

**AZRACK, United States District Judge:**

For Online Publication Only

**ORDER**

19-CV-1068 (JMA)(ARL)

**FILED  
CLERK**

4/27/2021 5:01 pm

**U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE**

Plaintiff Lucia Lanzillo (“Lanzillo”) commenced this action pursuant to the Social Security Act, 42 U.S.C. § 405(g) et seq. Plaintiff appealed the final administrative decision of the Commissioner denying her request for disability benefits. The parties filed cross-motions for judgment on the pleadings. This Court referred the motions to Magistrate Judge Arlene R. Lindsay for a Report and Recommendation (“R&R”). On March 24, 2021, Judge Lindsay issued an R&R recommending that: (1) Lanzillo’s motion for judgment on the pleadings be denied; (2) the Commissioner’s cross-motion for judgment on the pleadings be denied; and (3) the case be remanded to the Commissioner for further proceedings consistent with the R&R.<sup>1</sup>

In reviewing a magistrate judge’s report and recommendation, the court must “make a de novo determination of those portions of the report or . . . recommendations to which objection[s][are] made.” 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 05–CV–5579, 2006 WL 3851152, at \*2 (S.D.N.Y. Dec. 29, 2006). The court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. §

<sup>1</sup> Lanzillo’s motion requested that the Court remand this case solely for the calculation of benefits.

