

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

SANDRA BUCHANAN,

Plaintiff,

vs.

Civil Action No. 1:08-CV-0854

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**Thomas J. McAvoy,
Senior United States District Judge**

DECISION and ORDER

This matter was referred to the Hon. Victor E. Bianchini, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. In a Report and Recommendation dated May 27, 2009 (“Report-Recommendation”), Magistrate Judge Bianchini recommended that Plaintiff’s motion for judgment on the pleadings be denied and that Defendant’s motion for judgment on the pleadings be granted. No objections to the Report and Recommendation have been lodged and the time for filing objections has expired.

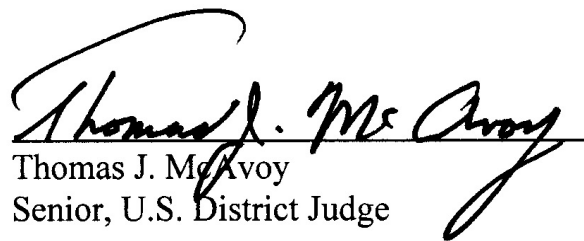
After examining the record, this Court has determined that the Report and Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report and Recommendation for the reasons stated therein.

Therefore, Plaintiff’s motion for judgment on the pleadings is **DENIED** and Defendant’s

motion for judgment on the pleadings is **GRANTED**. The Commissioner's determination denying Plaintiff's application for disability insurance benefits and Supplemental Security Income is **AFFIRMED**, and Plaintiff's Complaint is **DISMISSED in all respects**.

IT IS SO ORDERED.

Dated: June 18, 2009


Thomas J. McAvoy
Senior, U.S. District Judge