

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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THOMAS VAN ORDEN,

Plaintiff,

-v.-

Civil Action No.  
1:09-cv-81 (GLS/VEB)

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.  
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APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

Irwin M. Portnoy & Associates, PC  
542 Union Avenue  
New Windsor, New York 12550

IRWIN M. PORTNOY, ESQ.

**FOR THE DEFENDANT:**

Social Security Administration  
Office of Regional General Counsel  
Region II  
26 Federal Plaza - Room 3904  
New York, New York 10278

SANDRA M. GROSSFELD, ESQ.

GARY L. SHARPE,  
U.S. DISTRICT JUDGE

## **ORDER**

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Victor E. Bianchini, duly filed February 16, 2010. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge Victor E. Bianchini filed February 16, 2010 is ACCEPTED in its entirety for the reasons state therein, and it is further

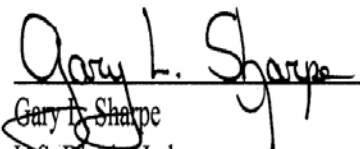
ORDERED, that the court finds no reversible error and because substantial evidence supports the Commissioner's decision, the Commissioner's motion for judgment on the pleadings is GRANTED, and it is further

ORDERED, that the Clerk enter judgment in favor of the defendant against the plaintiff, and it is further

ORDERED, that the Clerk of the Court is to mail copies of the Order to the parties.

IT IS SO ORDERED

Dated: March 11, 2010  
Albany, New York

  
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Gary L. Sharpe  
U.S. District Judge