

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

MATTHEW LEE OVERBY

Plaintiff,

-v.-

Civil Action No.  
1:12-cv-663 (GLS/ESH)

CAROLYN W. COLVIN,  
Acting Commissioner of  
Social Security

Defendant.

APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

Office of Peter M. Margolius  
7 Howard Street  
Catskill, New York 12414

PETER M. MARGOLIUS, ESQ.

**FOR THE DEFENDANT:**

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

KATRINA M. LEDERER, ESQ.

GARY L. SHARPE,  
CHIEF JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Earl S. Hines, duly filed April 4, 2013. 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 Earl S. Hines filed April 4, 2013 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED that Plaintiff's request to remand this action and order that additional evidence be taken before the Commissioner is DENIED and the Commissioner's decision is AFFIRMED, and it is further

ORDERED, that the Clerk of the Court is to mail copies of the Order to the parties in accordance with the court's local rules.

IT IS SO ORDERED.

Dated: April 29, 2013  
Albany, New York

  
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Gary L. Sharpe  
Chief Judge  
U.S. District Court