

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ANTHONY A. DENNO,

Plaintiff,

1:16-CV-1411  
(GTS/WBC)

v.

COMM'R OF SOCIAL SECURITY,

Defendant.

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APPEARANCES:

OF COUNSEL:

OFFICE OF STEPHEN J. MASTAITIS, JR.  
Counsel for Plaintiff  
1412 Route 9P  
Saratoga Springs, New York 12866

STEPHEN J. MASTAITIS, ESQ.

SOCIAL SECURITY ADMINISTRATION  
OFFICE OF GENERAL COUNSEL—REGION II  
Counsel for Defendant  
26 Federal Plaza, Room 3904  
New York, New York 10278

SUSAN J. REISS, ESQ.  
Special Assistant U.S. Attorney

GLENN T. SUDDABY, Chief United States District Judge

**DECISION and ORDER**

The above matter comes to this Court following a Report-Recommendation by United States Magistrate Judge William B. Mitchell Carter, filed on October 6, 2017 recommending that the Commissioner's decision denying Plaintiff Social Security benefits be affirmed, and Plaintiff's Complaint be dismissed. (Dkt. No. 16.) Objections to the Report-Recommendation have not been filed and the time in which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing all of the papers herein, including Magistrate Judge Carter's thorough Report-Recommendation, the Court can find no clear error in the Report-

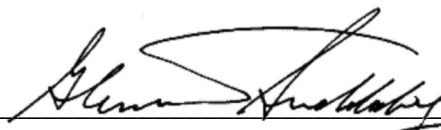
Recommendation.<sup>1</sup> Magistrate Judge Carter employed the proper legal standards, accurately recited the facts, and correctly applied the law to those facts. (Dkt. No. 16.) As a result, the Report-Recommendation is accepted and adopted in its entirety; the Commissioner’s decision denying Plaintiff Social Security benefits is affirmed, and Plaintiff’s Complaint is dismissed.

**ACCORDINGLY**, it is

**ORDERED** that Magistrate Judge Carter’s Report-Recommendation (Dkt. No. 16) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

**ORDERED** that the Commissioner’s decision denying Plaintiff Social Security benefits is **AFFIRMED**, and that Plaintiff’s Complaint (Dkt. No. 1) is **DISMISSED**.

Dated: November 14, 2017  
Syracuse, New York

  
HON. GLENN T. SUDDABY  
Chief United States District Judge

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<sup>1</sup> When no objection is made to a report-recommendation, the Court subjects the report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a “clear error” review, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Id*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at \*1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) (“I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.”) (internal quotation marks and citations omitted).