

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SHANEEKQUA NIEVES,

Plaintiff,

-v.-

Civil Action No.
3:08-cv-311 (GLS/VEB)

MICHAEL J. ASTRUE, COMMISSIONER
OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Lachman, Gorton Law Firm
P.O. Box 89
1500 East Main Street
Endicott, New York 13761-0089

PETER A. GORTON, ESQ.

FOR THE DEFENDANT:

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

SHEENA V. WILLIAMS-BARR,
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 July 27, 2009. 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 July 27, 2009 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the Commissioner's decision denying disability benefits is REMANDED for further proceedings in accordance with the recommendation and pursuant to sentence four of 42 U.S.C. Section 405(g), and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of the Plaintiff and close this case.

IT IS SO ORDERED

Dated: August 20, 2009
Albany, New York

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