

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CORRADINO D. CAPOZZI,

Plaintiff,

3:14-CV-0325
(GTS/ATB)

v.

CAROLYN W. COLVIN, Acting Comm'r
of Soc. Sec.,

Defendant.

APPEARANCES:

OF COUNSEL:

HINMAN, HOWARD & KATTELL LLP
Counsel for Plaintiff
P.O. Box 5250
80 Exchange Street
700 Security Mutual Building
Binghamton, New York 13902-5250

BRENT M. WHITING, ESQ.

SOCIAL SECURITY ADMINISTRATION
OFFICE OF REG'L GEN. COUNSEL
Counsel for Defendant
26 Federal Plaza, Room 3904
New York, New York 10278

ANDREEA L. LECHLEITNER, ESQ.
FERGUS J. KAISER, ESQ.

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

The above matter comes to this Court following a Report-Recommendation by United States Magistrate Judge Andrew T. Baxter, filed on April 1, 2015, recommending that the Commissioner's decision be affirmed and Plaintiff's Complaint be dismissed. (Dkt. No. 14.) 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 Baxter's thorough Report-Recommendation, the Court can find no

clear error in the Report-Recommendation. As a result, the Report-Recommendation is accepted and adopted in its entirety; the Commissioner's decision is affirmed; and Plaintiff's Complaint is dismissed in its entirety.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Baxter's Report-Recommendation (Dkt. No. 14) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

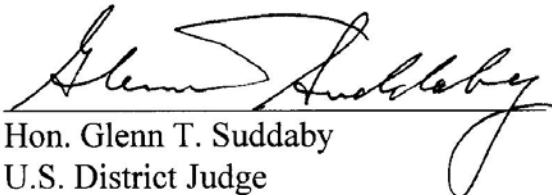
ORDERED that Plaintiff's motion for judgment on the pleadings (Dkt. No. 10) is **DENIED**; and it is further

ORDERED that Defendant's motion for judgment on the pleadings (Dkt. No. 13) is **GRANTED**; and it is further

ORDERED that the Commissioner's decision is **AFFIRMED**; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED**.

Dated: May 4, 2015
Syracuse, New York


Hon. Glenn T. Suddaby
U.S. District Judge