

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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DIRK P. HARVEY,

Plaintiff,

-vs-

09-CV-0020

MICHAEL J. ASTRUE,,  
Commissioner of Social Security,

Defendant.

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**THOMAS J. McAVOY**  
**Senior United States District Judge**

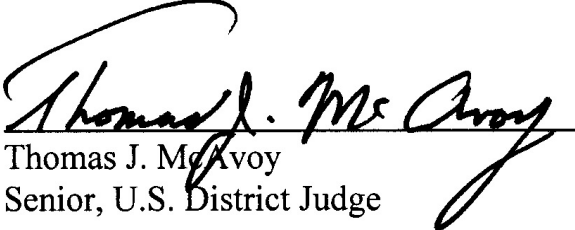
**DECISION and ORDER**

This matter was referred to the Hon. Victor E. Bianchini, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. No objections to the September 7, 2010 Report-Recommendation have been raised. After examining the record, this Court has determined that the Report and Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report and Recommendation for the reasons stated therein.

For the foregoing reasons, the case is remanded to the Commissioner of Social Security for further expedited proceedings pursuant to sentence four of 42 U.S.C. Section 405(g).

**IT IS SO ORDERED.**

Dated: November 18, 2010

  
Thomas J. McAvoy  
Senior, U.S. District Judge