

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DAVID C. DODWELL,

Plaintiff,

v.

5:10-CV-378 (NPM/ATB)

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

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APPEARANCES

OF COUNSEL

Legal Services of Central New York, Inc.  
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NEAL P. McCURN, Senior U.S. District Court Judge

MEMORANDUM - DECISION AND ORDER

This is an action brought by plaintiff David C. Dodwell (“Dodwell”) seeking review of the final decision of the defendant Commissioner of the Social

Security Administration (“Commissioner”) denying Dodwell’s claim for disability insurance benefits (“DIB”) and Supplemental Security Income (“SSI”) benefits. Currently before the court for consideration is a Report and Recommendation (“Report-Recommendation”) (Doc. No. 16) prepared on January 6, 2011 by the Honorable Andrew T. Baxter, United States Magistrate Judge (“MJ Baxter”) pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(d) of the Northern District of New York, affirming the decision of the Commissioner and dismissing the complaint. On January 20, 2011, Dodwell filed a timely objection to the Report-Recommendation (Doc. No. 17).

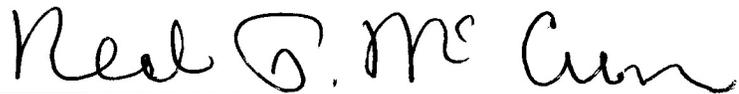
A district court reviewing a magistrate judge's report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Parties may raise objections to the magistrate judge's report and recommendation, but they must be “specific written” objections, and must be submitted “[w]ithin 14 days after being served with a copy of the recommended disposition.” Fed.R.Civ.P. 72(b)(2); see also 28 U.S.C. § 636(b)(1)(C). “Where, however, an objecting party makes only conclusory or general objections, or simply reiterates his original arguments, the Court reviews the Report and Recommendation only for clear error.” Caldwell v. Crosset, 2010 WL 2346330 at \* 1 (N.D.N.Y. 2010)

(internal quotations omitted) (citing Farid v. Bouey, 554 F.Supp.2d 301, 307 (N.D.N.Y.2008)).

MJ Baxter has submitted a comprehensive and well-reasoned Report-Recommendation for the court's review. The court has considered plaintiff's objections to the Report-Recommendation and finds them unavailing, and a reiteration of his original arguments. After thoroughly reviewing the Report-Recommendation for clear error, the court finds none. Accordingly, the Report-Recommendation issued by MJ Baxter is hereby approved and adopted in its entirety.

SO ORDERED.

June 14, 2011

A handwritten signature in black ink that reads "Neal P. McCurn". The signature is written in a cursive style with a horizontal line underneath the name.

Neal P. McCurn  
Senior U.S. District Judge