

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

CATHERINE M. FARINA,

Plaintiff,

v.

No. 5:13-CV-1246

**CAROLYN W. COLVIN, Commissioner of
Social Security Administration,**

Defendant.

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

DECISION and ORDER

This matter was referred to the Hon. Christian F. Hummel, 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. In a Report-Recommendation and Order dated September 3, 2014 (dkt. # 16), Magistrate Judge Hummel recommended that Farina's motion for judgment on the pleadings (dkt. No. 13) be DENIED and the Commissioner's decision finding no disability be AFFIRMED (dkt. # 16, p. 27).¹ No objections to the Report and Recommendation have been lodged and the time for filing objections has expired.

After examining the record, this Court has determined that the Report and Recommendation

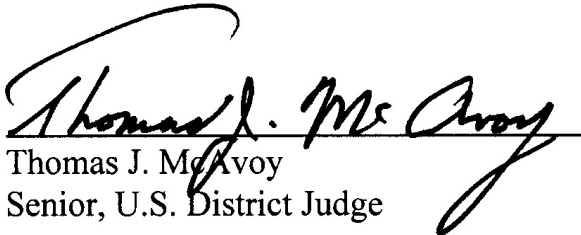
¹The recommendation actually states: "For the reasons stated above, it is hereby RECOMMENDED that Farina's motion for judgment on the pleadings (Dkt. No. 13) be DENIED and the Commissioner's decision finding [*sic*] disability be AFFIRMED." Read in context, it is clear that Magistrate Judge Hummel was recommending that the Commissioner's decision, which found no disability, be affirmed.

is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report and Recommendation for the reasons stated therein.

Therefore, Defendant's Motion for Judgment on the Pleadings is **GRANTED** and Plaintiff's Motion for Judgment on the Pleadings is **DENIED**. The Commissioner's decision denying disability benefits is **AFFIRMED** for the reasons stated in Magistrate Judge Hummel's recommendation.

IT IS SO ORDERED.

Dated: January 15, 2015


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