UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOEL R. BUISSERETH,

Plaintiff,

v. 5:15-CV-1358 (GTS/WBC)

CAROLYN W.COLVIN,
Acting Commissioner of Social Security,[1]

Defendant.

APPEARANCES:	OF COUNSEL:
STANLEY LAW OFFICES, LLP Counsel for Plaintiff 215 Burnet Avenue Syracuse, NY 13203	JAYA A. SHURTLIFF, ESQ. STEPHANIE VISCELLI, ESQ.
BARNEY F. BILELLO, ESQ. Counsel for Plaintiff 4020 Underbrush Trail Liverpool, NY 13090	BARNEY F. BILELLO, ESQ.
U.S. SOCIAL SECURITY ADMIN. OFFICE OF REG'L GEN. COUNSEL – REGION II Counsel for Defendant 26 Federal Plaza, Room 3904 New York, NY 10278	VERNON NORWOOD, ESQ.

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this Social Security action filed by Joel R. Buissereth ("Plaintiff") against the Commissioner of Social Security ("Defendant" or "the Commissioner")

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[1] Because Nancy A. Berryhill is now Acting Commissioner of Social Security, the Clerk of the Court is directed to substitute her as the Defendant in this action. Fed. R. Civ. P. 25(d).

pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3), is the Report and Recommendation of United States Magistrate Judge William B. Mitchell Carter, recommending that Plaintiff's motion for judgment on the pleadings be denied, that Defendant's motion for judgment on the pleadings be granted, that the Commissioner's decision denying Plaintiff benefits be affirmed, and that Plaintiff's claim be dismissed. (Dkt. No. 17.) Objections to the Report and Recommendation have not been filed, and the time in which to do so has expired. (Dkt. No. 17, at 13; *see generally* Docket Sheet.)

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); *accord*, 28 U.S.C. § 636(b)(1)(C). When no objection is made to a report and recommendation, the Court subjects that report and recommendation to only a clear-error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a clear-error review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; *see also Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks and citations omitted).

After carefully reviewing the relevant papers herein, including Magistrate Judge Carter's thorough Report and Recommendation, the Court can find no clear error in the Report and

Recommendation. Magistrate Judge Carter employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. (Dkt. No. 17.)

ACCORDINGLY, it is

ORDERED that the Clerk of the Court shall substitute Nancy A. Berryhill for Carolyn W. Colvin as Acting Commissioner of Social Security and the Defendant in this action, and it is further

ORDERED that Magistrate Judge Carter's Report and Recommendation (Dkt. No. 17) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

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

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

Dated: March 24, 2017
Syracuse, New York

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