

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CARISSA L. CONTE,

Plaintiff,

vs

6:08-CV-1185

MICHAEL J. ASTRUE, as Commissioner  
of the Social Security Administration,  
Defendant.

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APPEARANCES:

OF COUNSEL:

PETER W. ANTONOWICZ, ESQ.  
Attorney for Plaintiff  
148 West Dominick Street  
Rome, New York 13440

SOCIAL SECURITY ADMINISTRATION  
OFFICE OF REGIONAL GENERAL COUNSEL  
Region II  
26 Federal Plaza - Room 3904  
New York, NY 10278

VERNON NORWOOD, ESQ.

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff, Carissa L. Conte, filed this action in November 2008, pursuant to Section 205(g) of the Social Security Act, as amended, 42 U.S.C. 405(g), to review a final administrative determination of the Secretary of Health and Human Services, denying plaintiff's claim for Social Security Disability benefits. Review of this matter proceeded as if both parties had accompanied their briefs with a motion for judgment on the pleadings. By Report-Recommendation dated June 21, 2010, the Honorable Victor E. Bianchini, United States Magistrate Judge, recommended that the defendant's motion for judgment on the

pleadings be granted; that plaintiff's motion for judgment on the pleadings be denied; and that the decision of the Commissioner be affirmed. No objections have been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Bianchini, the Report-Recommendation is accepted and adopted in whole.

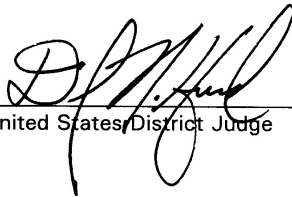
See 28 U.S.C. 636(b)(1). Accordingly, it is

ORDERED that

1. The defendant's motion for judgment on the pleadings is GRANTED;
2. The plaintiff's motion for judgment on the pleadings is DENIED
3. The decision of the Commissioner is AFFIRMED;
4. The Clerk is directed to serve the order on the parties and close the file.

IT IS SO ORDERED.

Dated: July 7, 2010  
Utica, New York.



United States District Judge