

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

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JOHN K. WAHRMANN,

Plaintiff,

-vs-

6:13-CV-432

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**Thomas J. McAvoy,  
United States District Judge**

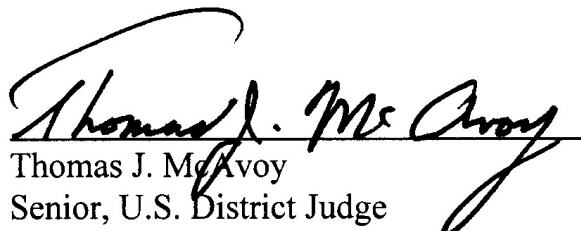
**DECISION and ORDER**

This matter was referred to the Hon. Andrew M. Baxter, 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 April 29, 2013 Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation and Order for the reasons stated therein.

Accordingly, Plaintiff's complaint is DISMISSED in its entirety, with prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)-(iii) for failure to state a claim due to lack of subject matter jurisdiction.

**IT IS SO ORDERED.**

Dated: June 3, 2013

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

