

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

JEFFREY PAQUETTE,

Plaintiff,

7:12-CV-1470

v.

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

Defendant.

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

DECISION & ORDER

This matter was referred to the Hon. Victor E. Bianchini, 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 and Recommendation dated December 6, 2013 ("Report-Recommendation"), Magistrate Judge Bianchini recommended that Plaintiff's Motion for Judgment on the Pleadings be GRANTED, that Defendant's Motion for Judgment on the Pleadings be DENIED, and that the case be remanded to the Commissioner for further administrative proceedings consistent with the Report and Recommendation. No objections to the Report and Recommendation have been lodged and the time for filing objections has expired.

CONCLUSION

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

Recommendation is not subject to attack for plain error or manifest injustice. Therefore,

(1) The Court **ADOPTS** the Report and Recommendation [dkt. # 15] for the reasons stated therein;

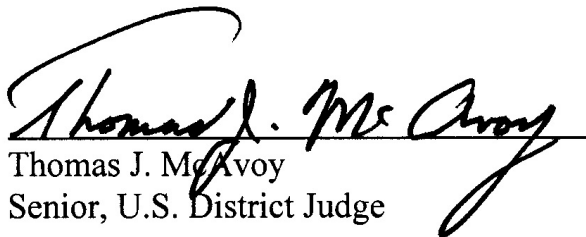
(2) Plaintiff's Motion for Judgment on the Pleadings is **GRANTED**;

(3) Defendant's Motion for Judgment on the Pleadings is **DENIED**;

(4) The case is **REMANDED** to the Commissioner for further administrative proceedings consistent with the Report and Recommendation.

IT IS SO ORDERED.

Dated: February 15, 2014


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