

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

JAY H. MORSE,

Plaintiff,

v.

**7:12-CV-1819
(FJS/ATB)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES

OF COUNSEL

JAY H. MORSE

12-B-1199

Riverview Correctional Facility

P.O. Box 247

Ogdensburg, New York 13669

Plaintiff *pro se*

SOCIAL SECURITY ADMINISTRATION

OFFICE OF REGIONAL GENERAL

COUNSEL, REGION II

26 Federal Plaza - Room 3904

New York, New York 10278

Attorneys for Defendant

SANDRA M. GROSSFELD, ESQ.

SCULLIN, Senior Judge

ORDER

On January 13, 2009, Plaintiff "protectively filed" an application for Supplemental Security Income ("SSI") benefits; and, on March 6, 2009, he filed an application for Social Security disability insurance benefits. After a hearing before an administrative law judge ("ALJ"), the ALJ issued a decision denying benefits. The ALJ's decision became Defendant's final decision when the Appeals Council denied Plaintiff's request for review on September 15,

2012. On December 12, 2012, Plaintiff commenced this action *pro se*, seeking judicial review of Defendant's final decision. *See* Dkt. No. 1.

On March 28, 2014, Magistrate Judge Baxter issued a Report-Recommendation, in which he recommended that this Court reverse Defendant's decision and remand this case pursuant to sentence four of 42 U.S.C. § 405(g) for further evaluation consistent with his report. *See* Dkt. No. 26 at 20-21. Neither party filed an objections to Magistrate Judge Baxter's recommendations.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify, in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Baxter's March 28, 2014 Report-Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Baxter's March 28, 2014 Report-Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

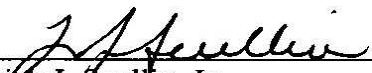
ORDERS that Defendant's decision is **REVERSED**; and the Court further

ORDERS that this matter is **REMANDED** for further proceedings in accordance with Magistrate Judge Baxter's Report-Recommendation pursuant to sentence four of 42 U.S.C. § 405(g); and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Plaintiff and close this case.

IT IS SO ORDERED.

Dated: August 29, 2014
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge