

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

REGINALD S. HUTCHINS,

Plaintiff,

vs.

08-CV-943

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

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

DECISION and 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 February 4, 2010 (“Report-Recommendation”), Magistrate Judge Bianchini recommended that 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 to the Report and Recommendation have been lodged and the time for filing objections has expired.

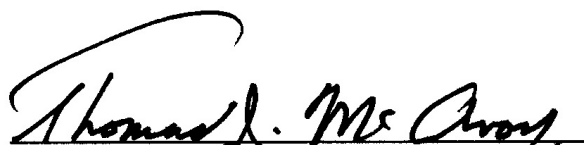
After examining the record, this Court has determined that the Report and Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report and Recommendation for the reasons stated therein.

Therefore, Defendant’s Motion for Judgment on the Pleadings is **GRANTED**, Plaintiff’s

Motion for Judgment on the Pleadings is **DENIED**, and the decision of the Commissioner is **AFFIRMED**.

IT IS SO ORDERED.

Dated March 3, 2010:


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