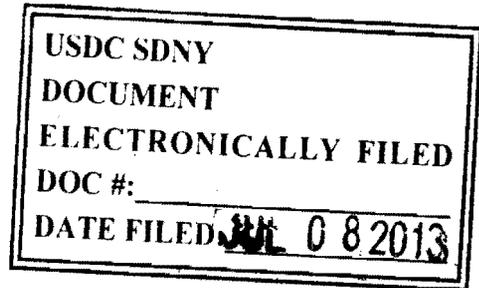


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



ROBERT A. DAVIS,

Plaintiff,

-v-

MICHAEL J. ASTRUE, Commissioner of Social  
Security,

Defendant.

09 Civ. 4006 (KBF)

ORDER ADOPTING  
REPORT &  
RECOMMENDATION

KATHERINE B. FORREST, District Judge:

On June 6, 2013, United States Magistrate Judge Lisa Margaret Smith, issued a Report and Recommendation in the above-captioned matter recommending the denial of plaintiff Robert A Davis’s motion under Federal Rule of Civil Procedure 12(c) for judgment on the pleadings, and the granting of defendant Commissioner of Social Security’s (“the Commissioner”) Rule 12(c) motion.

Plaintiff has not filed any objection to the Report and Recommendation. For that reason alone, plaintiff has waived any right to review by this Court. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir.2000).

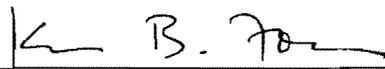
In the absence of any objection, and after full review of the Report and Recommendation, the Court adopts the Report and Recommendation in its entirety. Therefore, and for the reasons stated in the Report and Recommendation, the Court

grants the Commissioner's motion for judgment on the pleadings and denies plaintiff's cross-motion for judgment on the pleadings.

The Clerk of Court is directed to terminate the motions at ECF Nos. 9, 15, 22, and 26, and to close this case.

SO ORDERED.

Dated: New York, New York  
July 8, 2013

  
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KATHERINE B. FORREST  
United States District Judge