

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KAREN MILLER,

Plaintiff

-against-

COMMISSIONER OF SOCIAL SECURITY,  
Defendant.

X

12 Civ. 03708 (LGS)

MEMORANDUM AND  
ORDER

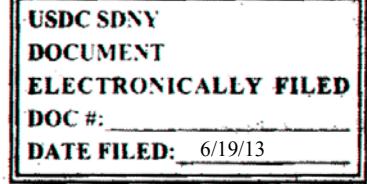
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LORNA G. SCHOFIELD, District Judge:

Before the Court is the Report and Recommendation of Magistrate Judge Maas (Dkt. No. 27) ("Report"), recommending that the Court grant Defendant's Motion to Remand (Dkt. No. 21) ("Motion") and remand this case for further proceedings before the Social Security Administration ("SSA").

Plaintiff filed the Complaint in this action on May 9, 2012, (Dkt. No. 2) seeking review of the decision of the Commissioner of Social Security ("Commissioner") finding that Plaintiff is not disabled. The case was referred to Magistrate Judge Maas on August 24, 2012. (Dkt. No. 9). On April 1, 2013, the Commissioner filed the present Motion, requesting that the Court reverse the decision of the Commissioner and remand to the SSA for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g) because the Administrative Law Judge did not adequately consider the impact of Plaintiff's left eye blindness on her ability to perform light work. Def.'s Mem. of Law in Supp. of Mot. to Dismiss at 1.

On May 30, 2013, Judge Maas issued the Report, recommending that the Court remand this case for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g). The Report states that, during a telephone conference held on May 30, 2013, Plaintiff consented on the record to having the case remanded to the SSA.



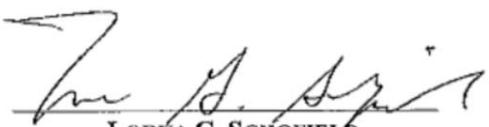
A district court reviewing a magistrate judge's report and recommendation "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). The district court "may adopt those portions of the report to which no 'specific, written objection' is made, as long as the factual and legal bases supporting the findings and conclusions set forth in those sections are not clearly erroneous or contrary to law." *Adams v. New York State Dep't of Educ.*, 855 F. Supp. 2d 205, 206 (S.D.N.Y. 2012) (citing Fed. R. Civ. P. 72(b); *Thomas v. Arn*, 474 U.S. 140, 149, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985)).

Having reviewed the Report, to which no objection was made, the Court finds no clear error on the face of the record. Accordingly, the Court ADOPTS the Report in its entirety as the decision of the Court. This case is REMANDED to the SSA for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g).

The Clerk is directed to mail a copy of this order to the pro se Plaintiff and close this case.

SO ORDERED.

Dated: June 19, 2013  
New York, New York

  
LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE