

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
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VERONIQUE GOINS,

Plaintiff,

-v-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.
-----X

12-cv-9204-RA

ORDER

RONNIE ABRAMS, United States District Judge:

On December 17, 2012, Plaintiff Veronique Goins, who is proceeding *pro se*, filed a complaint appealing the decision of the Commissioner of Social Security (“Commissioner”) to deny her application for a period of disability and disability insurance benefits. The case was referred to Magistrate Judge Kevin Nathaniel Fox on August 30, 2013. On May 20, 2014, Judge Fox issued a Report and Recommendation (the “Report”) recommending that the Commissioner’s motion for judgment on the pleadings be granted. Neither party has filed objections to the Report.

A district court “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). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). The failure to file written objections generally precludes appellate review. See DeLeon v. Strack, 234 F.3d 84, 86 (2d Cir. 2000).

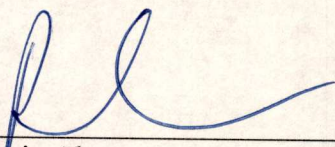
Because no objections to the Report were filed, the Court has reviewed Judge Fox's thoughtful and well-reasoned Report for clear error and, after careful review of the record and additional evidence, finds none. The Court therefore adopts the Report in its entirety.

The Court notes that the additional evidence submitted by Plaintiff suggests that the medical conditions affecting her lower back and right leg may have deteriorated significantly since the date of the administrative law judge's decision. Although this is not a sufficient basis for remand, it may provide a basis for Plaintiff to reapply for benefits. See Felix v. Astrue, No. 11-CV-3697 (KAM), 2012 WL 3043203, at *13 (E.D.N.Y. July 24, 2012) (collecting cases). Accordingly, it is hereby:

ORDERED that the Commissioner's motion for judgment on the pleadings is granted. The Clerk of Court is respectfully directed to terminate the motion pending at Docket Number 19 and to close this case.

SO ORDERED.

Dated: July 8, 2014
New York, New York



Ronnie Abrams
United States District Judge