

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 9/16/14

----- X
:
BRIAN R. MOSS, :
:
:
Plaintiff, :
:
-v- :
:
CAROLYN W. COLVIN, :
Commissioner of Social Security, :
:
Defendant. :
:
----- X

1:13-cv-731-GHW-MHD
OPINION AND ORDER

GREGORY H. WOODS, District Judge:

Plaintiff Brian R. Moss brought this action seeking judicial review of a final decision of the Commissioner of Social Security (the “Commissioner”), which denied Moss’s application for disability insurance benefits under the Social Security Act. Dkt. 1. Moss has moved for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c), seeking a reversal of the Commissioner’s decision and an order granting disability benefits or, in the alternative, a remand for a new administrative hearing. Dkt. 13. The Commissioner has also moved under Rule 12(c) for judgment on the pleadings, affirming the Commissioner’s decision. Dkt. 16.

On August 28, 2014, Magistrate Judge Michael H. Dolinger issued a Report and Recommendation (the “Report”), which concluded that plaintiff’s motion should be granted, defendant’s motion should be denied, and that the case should be remanded to the Commissioner for further proceedings. Dkt. 24. In his Report, Judge Dolinger advised the parties that, pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), failure to file timely objections to the Report would result in waiver of objections and preclude appellate review. Report at 93-94. Neither party has filed objections and the time to do so has expired.

In reviewing a Report and Recommendation, 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)(C). When specific objections are made, “[t]he district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to.” Fed.R.Civ.P. 72(b)(3). If no objections are made, or where a “party makes only conclusory or general objections, or simply reiterates the original arguments,” the court must review the report only for clear error. *Pinkney v. Progressive Home Health Servs.*, No. 06 Civ. 5023, 2008 WL 2811816, at *1 (S.D.N.Y. July 21, 2008).


Here, because neither party has objected to the Report, the Court reviews it only for clear error. Having reviewed Judge Dolinger’s comprehensive and well-reasoned Report, the Court finds no such error.

I. CONCLUSION

For the foregoing reasons, the Court adopts Judge Dolinger’s Report in its entirety. This case is remanded to the Social Security Administration for further proceedings consistent with the Report pursuant to sentence four of 42 U.S.C. § 405(g). The Clerk of Court is respectfully requested to enter judgment and to close this case.

SO ORDERED.

Dated: September 16, 2014
New York, New York



GREGORY H. WOODS
United States District Judge