

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 8/19/2014

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FREDDY GIVENS, JR., :
Plaintiff, :
: 13-CV-4763(VEC) (AJP)
-against- :
: ORDER
CAROLYN W. COLVIN, :
Acting Commissioner of Social Security, :
: Defendant. :
----- X

VALERIE CAPRONI, United States District Judge:

On due consideration, after review of Magistrate Judge Peck's Corrected Report and Recommendation dated April 14, 2014 (the "R&R"), no party having objected, the time for objecting having expired, and no clear error appearing on the face of the record, the R&R is approved and adopted.

Plaintiff sent a "notice of motion" and affirmation, dated July 27, 2013, to the U.S. Attorney's Office for the Southern District of New York in late June 2014. The U.S. Attorney's Office forwarded the document to the Court on June 26, 2014. That document, which was apparently written before the issuance of the R&R, asserts that the Plaintiff is entitled to disability because he worked for 27 years and has pain in his right eye. Additionally, the document states that Plaintiff has "right eye pain with glaucoma & cataract."

The document does not contain any objection to the R&R, was not timely served or filed pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, and was correctly denied by Magistrate Judge Peck. In terms of substance, Magistrate Judge Peck's R&R correctly considered and rejected Plaintiff's argument regarding his work history and pain in his right eye. If Plaintiff intended to inform the Court that he now has glaucoma and a cataract

in the right eye, that change in medical condition could justify Givens' filing a new application for disability and social security benefits, but it is not relevant to the time period at issue in this appeal.

The Clerk of the Court is respectfully directed to enter judgment accordingly and to terminate the case. The Clerk of the Court is further requested to mail a copy of this Order to Plaintiff and to note service on the docket.

SO ORDERED.

Date: August 19, 2014
New York, NY

Valerie Caproni
VALERIE CAPRONI
United States District Judge