UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEBORAH SWARTZ,
Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,
Defendant.

13 Civ. 5963 (LGS)

ORDER AND OPINION

LORNA G. SCHOFIELD, District Judge:

Before the Court is the Report and Recommendation of Magistrate Judge James C. Francis ("Report"), recommending that Plaintiff's motion for judgment on the pleadings be denied, Defendant's cross-motion for judgment on the pleadings be granted, and the Complaint be dismissed in its entirety. (Docket No. 30 at 29). For the reasons stated below, the Report is adopted in its entirety.

On August 23, 2013, Plaintiff filed the Complaint in this action, seeking judicial review of a final decision of the Commissioner of Social Security denying her application for Social Security Disability Benefits. (Docket No. 1). On September 4, 2013, the matter was referred to Judge Francis. (Docket 2). On April 30, 2014, Plaintiff moved for judgment on the administrative record and pleadings under Rule 12(c) of the Federal Rules of Civil Procedure. (Docket No. 15). On August 15, 2014, Defendant cross-moved for judgment on the pleadings. (Docket No. 26). On October 29, 2014, Judge Francis issued the Report. (Docket No. 30). No objections to the Report were filed.

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) (internal quotation marks omitted) (citing Fed. R. Civ. P. 72(b); *Thomas v. Arn*, 474 U.S. 140, 149 (1985)).

The factual and legal bases underlying the Report are not clearly erroneous or contrary to law. Accordingly, the Report is ADOPTED in its entirety as the decision of the Court. Plaintiff's motion is DENIED, Defendant's cross-motion is GRANTED and the Complaint is dismissed. The Clerk of Court is directed to close the case.

SO ORDERED.

Dated: January 13, 2015
New York, New York

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE