

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
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DATE FILED: 4/11/2016

GINA COLE,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 15-CV-0298 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On January 15, 2015, Plaintiff Gina Cole, who is proceeding *pro se*, filed a complaint appealing the decision of the Commissioner of Social Security to deny her application for supplemental security income benefits. The case was referred to Magistrate Judge Kevin Nathaniel Fox for a report and recommendation. On September 15, 2015, Judge Fox issued a report and recommendation (the “Report”) recommending that the Commissioner’s motion for judgment on the pleadings be granted. Neither party filed objections to the Report.

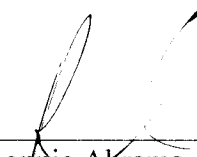
A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may object to a magistrate judge’s recommended findings “[w]ithin 14 days after being served with a copy of the recommended disposition.” Fed. R. Civ. P. 72(b)(2). “When the parties make no objections to the Report, the Court may adopt the Report if ‘there is no clear error on the face of the record.’” *Smith v. Corizon Health Services*, No. 14-CV-8839 (GBD), 2015 WL 6123563, at *1 (S.D.N.Y. Oct. 16, 2015) (quoting *Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005)). “Furthermore, if as here . . . the magistrate judge’s report states that failure to object will preclude appellate review and no objection is made within the allotted time, then the failure to object

generally operates as a waiver of the right to appellate review. As long as adequate notice is provided, the rule also applies to *pro se* parties.” *Hamilton v. Mount Sinai Hosp.*, 331 F. App’x 874, 875 (2d Cir. 2009) (internal citations omitted).

As no objections to the Report were filed, the Court has reviewed Judge Fox’s well-reasoned Report for clear error. After careful review of the record and exhibits submitted with the complaint, the Court finds no error and thus adopts the Report in its entirety.¹ It is therefore ordered that the Commissioner’s motion for judgment on the pleadings is granted. The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

Dated: April 11, 2016
New York, New York



Ronnie Abrams
United States District Judge

¹ The Court notes that some of the additional evidence submitted by Plaintiff—both with her appeal to the Social Security Appeals Counsel and with her complaint—relates to her alleged medical conditions after the Administrative Law Judge determined she was not entitled to benefits. Although such evidence does not necessitate 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).