UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DENISE WIGGINS,

Plaintiff,

- against -

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

15-CV-2895 (VSB) (KNF)

ORDER

Appearances:

Christopher James Bowes
Center for Disability Advocacy Rights, Inc.
New York, New York
Counsel for Plaintiff

Brandon Herbert Cowart
John E. Gura, Jr.
U.S. Attorney's Office for the Southern District of New York
New York, New York
Counsel for Defendant

VERNON S. BRODERICK, United States District Judge:

Plaintiff Denise Wiggins brings this action pursuant to section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), seeking judicial review of an administrative law judge's ("ALJ") decision, dated January 6, 2015, finding her ineligible for disability insurance benefits. On January 21, 2016, Defendant moved to dismiss the complaint. (Doc. 26.) On February 16, 2016, Plaintiff cross-moved for judgment on the pleadings. (Doc. 36.) This case was referred to Magistrate Judge Kevin Nathaniel Fox for a report and recommendation on the cross-motions. (Doc. 7.) Before me is Judge Fox's August 2, 2016 Report and Recommendation, (Doc. 43),

which recommends that Plaintiff's motion for judgment on the pleadings be granted, the ALJ's decision be reversed and the case remanded, and Defendant's motion to dismiss be denied.

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).

Here, although the Report and Recommendation provided that "the parties shall have fourteen (14) days from the service of this Report to file written objections," (Report and Recommendation 15), neither party has filed an objection. I have reviewed Judge Fox's thorough and well-reasoned Report and Recommendation for clear error and, after careful review, find none. I therefore adopt the Report and Recommendation in its entirety.

Judgment on the pleadings is granted in favor of Plaintiff, the ALJ's decision is reversed, and this case is remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the Report and Recommendation.

The Clerk's Office is respectfully directed to terminate all open motions, and to enter judgment remanding this case.

SO ORDERED.

Dated: November 10, 2016
New York, New York

Vernon S. Broderick
United States District Judge