

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MERLIN MENDEZ, :  
: Plaintiff,  
: :  
: - against - :  
: :  
COMMISSIONER OF SOCIAL SECURITY, :  
: Defendant.  
: :  
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DOC #: _____
DATE FILED: 3/30/2017

15-CV-8017 (VSB) (BCM)

**ORDER**

VERNON S. BRODERICK, United States District Judge:

Plaintiff Merlin Mendez brings this action pursuant to sections 205(g) and 1631(c)(3) of the Social Security Act, 42 U.S.C. §§ 405(g), 1383(c)(3), seeking judicial review of a final determination of Defendant the Commissioner of Social Security (the “Commissioner”) denying his application for Supplemental Security Income. (Doc. 1.) On April 6, 2016, Plaintiff moved for judgment on the pleadings, seeking an order reversing or remanding the Commissioner’s determination. (Doc. 14.) On April 14, 2016, Defendant cross-moved for judgment on the pleadings seeking affirmance of the final determination. (Doc. 16.) This case was referred to Magistrate Judge Barbara Moses on January 12, 2016, for a report and recommendation on the cross-motions.<sup>1</sup> (Dkt. Entry January 12, 2016.) Judge Moses issued her Report and Recommendation on February 27, 2017. (Doc. 18, “Report and Recommendation” or “R&R”.)

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<sup>1</sup> Magistrate Judge Gorenstein was initially the designated magistrate judge for this case. (Dkt. Entry October 13, 2015.) However, the case was redesignated and reassigned to Magistrate Judge Barbara Moses on January 12, 2016. (Dkt. Entries January 12, 2016.)

Before me is the detailed and thorough Report and Recommendation of Magistrate Judge Moses, which recommends that I grant Defendant's motion for judgment on the pleadings and deny Plaintiff's motion for judgment on the pleadings.

In reviewing a magistrate judge's 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). Parties may raise specific, written objections to the report and recommendation within 14 days of being served with a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). When a party submits a timely objection, a district court reviews *de novo* the parts of the report and recommendation to which the party objected. 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). When neither party submits an objection to a report and recommendation, or a portion thereof, a district court reviews the report and recommendation, or that portion, for clear error. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008); *Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

Here, the Report and Recommendation was filed on February 27, 2017. Although the Report and Recommendation explicitly provided that "the parties shall have fourteen days from this date to file written objections," (R&R 32), neither party filed an objection. I therefore reviewed Judge Moses' thorough, detailed, and well-reasoned Report and Recommendation for clear error and, after careful review found none.

Accordingly, I adopt the Report and Recommendation in its entirety, and Plaintiff's motion for judgment on the pleadings, (Doc. 14), is DENIED, and Defendant's motion for judgment on the pleadings, (Doc. 16), is GRANTED.

The Clerk's Office is respectfully directed to terminate the motions at Docs. 14 and 16, and close this case.

SO ORDERED.

Dated: March 30, 2017  
New York, New York



Vernon S. Broderick  
United States District Judge