

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKUSDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 12/15/16

JANE MCHALE,

Plaintiff,

– against –

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

OPINION AND ORDER

16 Civ. 942 (ER) (KNF)

Ramos, D.J.:

Jane McHale (“Plaintiff”) brings this action pursuant to 42 U.S.C. § 405(g) challenging the decision of the Commissioner of Social Security (“Commissioner”) to deny her application for disabled widow’s insurance benefits. Pending before the Court are the parties’ cross-motions for judgment on the pleadings, pursuant to Federal Rule of Civil Procedure 12(c). On October 27, 2016, Magistrate Judge Kevin Nathaniel Fox issued a Report and Recommendation (“Report”), recommending that Plaintiff’s motion be denied and the Commissioner’s motion be granted and notifying the parties that they had fourteen days from service of the Report to file written objections. No objections were subsequently filed.

I. Standard of Review

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). Parties may raise “specific,” “written” objections to the report and recommendation “[w]ithin fourteen days after being served with a copy.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). A district court reviews *de novo* those portions of the report and recommendation to which timely and specific objections are made. 28 U.S.C. § 636(b)(1)(C);


see also United States v. Male Juvenile (95-CR-1074), 121 F.3d 34, 38 (2d Cir. 1997). The district court may adopt those parts of the report and recommendation to which no party has timely objected, provided no clear error is apparent from the face of the record. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).

II. Discussion

The Court has carefully reviewed Judge Fox's thorough and well-reasoned Report and finds no error, clear or otherwise. Accordingly, the Court adopts the Report in its entirety. Plaintiff's motion for judgment on the pleadings is DENIED and the Commissioner's motion for judgment on the pleadings is GRANTED. The Clerk of Court is respectfully directed to terminate the motions, Docs. 14 & 16, and to close the case.

It is SO ORDERED

Dated: December 14, 2016
New York, New York



Edgardo Ramos, U.S.D.J.