

<b>USDC SDNY</b> <b>DOCUMENT</b> <b>ELECTRONICALLY FILED</b> <b>DOC #:</b> _____ <b>DATE FILED:</b> <u>4/4/2017</u>
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DINA SMALLS,

Plaintiff,

-v-

CAROLYN COLVIN, ACTING COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.  
-----X

16-CV-1717 (PAE) (KHP)

OPINION AND ORDER

PAUL A. ENGELMAYER, District Judge:

Defendant Carolyn Colvin, former Commissioner of the Social Security Administration (“the Commissioner”), brings this motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c), seeking affirmance of her final decision that *pro se* plaintiff Dina Smalls was not disabled within the meaning of the Social Security Act, 42 U.S.C. §§ 423 *et seq.*, 1382c *et seq.* On March 15, 2017, Magistrate Judge Katharine H. Parker issued a Report and Recommendation to this Court, recommending that the Commissioner’s motion be granted. *See* Dkt. 19 (the “Report”). The Report stated that the parties were required to file any objections within 14 days from the date of the Report’s issuance. To date, the Court has received no objections.

**DISCUSSION**

In reviewing a 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)(C). When specific objections are made, “[t]he district judge must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Fed.

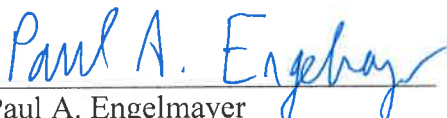
R. Civ. P. 72(b)(3); *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). To accept those portions of the report to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *King v. Greiner*, No. 02 Civ. 5810 (DLC), 2009 WL 2001439, at \*4 (S.D.N.Y. July 8, 2009) (citing *Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)); see also *Edwards v. Fischer*, 414 F. Supp. 2d 342, 346–47 (S.D.N.Y. 2006) (citation omitted).

### CONCLUSION

Careful review of the thorough and well-reasoned Report reveals that there is no facial error in its conclusions. The Report, which is incorporated by reference herein, is adopted without modification. The motion for judgment on the pleadings is granted. The Clerk of Court is directed to close this case.

The parties’ failure to file written objections precludes appellate review of this decision. See *Caidor v. Onondaga County*, 517 F.3d 601, 604 (2d Cir. 2008); *Small v. Sec’y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989) (per curiam). The Court therefore declines to issue a certificate of appealability, and certifies that any appeal from this order would not be taken in good faith; therefore, *in forma pauperis* status is denied for the purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 445 (1962).

SO ORDERED.

  
Paul A. Engelmayer  
United States District Judge

Dated: April 4, 2017  
New York, New York