

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ASHLEY Y. HENNY, :
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: Plaintiff, :
: :
-v- :
: :
COMMISSIONER OF SOCIAL SECURITY, :
: :
: Defendant. :
: :
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DATE FILED: 03/30/2017

GREGORY H. WOODS, United States District Judge:

On April 4, 2016, *pro se* Plaintiff Ashley Henny filed a complaint seeking judicial review pursuant to 42 U.S.C. § 405(g) of the Commissioner of Social Security's denial of her application for Supplemental Security Income ("SSI") benefits. Dkt. No. 2. By order dated July 18, 2016, the Court referred this matter to Magistrate Judge Netburn for a Report and Recommendation ("R&R"). Dkt. No. 15. On October 21, 2016, Defendant filed its motion for judgment on the pleadings. Dkt. No. 24. Plaintiff did not submit an opposition. Judge Netburn issued her R&R on March 15, 2017, recommending that the Commissioner's motion be denied and the case be remanded to the Commissioner for further proceedings. R&R at 21, Dkt. No. 28. The R&R advised that "[t]he parties shall have fourteen days from the service" of the R&R "to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure." R&R at 21. No party has lodged objections to the R&R, and the time to do so has expired.

In reviewing an R&R, 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). A district

court 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). If no timely objections are made, however, “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, 2009 WL 2001439, at *4 (S.D.N.Y. July 8, 2009) (citation omitted); *see also Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

After reviewing the record, the Court finds no clear error in Judge Netburn’s well-reasoned and careful R&R. Accordingly, the Court adopts the R&R in its entirety, and, for the reasons set forth therein, denies the Commissioner’s motion for judgment on the pleadings. The Court remands the case for the purposes explained in Judge Netburn’s R&R. *See* R&R at 21.

The Clerk of Court is directed mail a copy of this order to Plaintiff by certified mail, to terminate the motion pending at Dkt. No. 24, and to close this case.

SO ORDERED.

Dated: March 30, 2017
New York, New York



GREGORY H. WOODS
United States District Judge