

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
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DATE FILED: 10/27/17

ULISE FERREIRA,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 16-CV-6772 (RA)

ORDER ADOPTING REPORT AND
RECOMMENDATION

RONNIE ABRAMS, United States District Judge:

On August 29, 2016, Plaintiff Ulise Ferreira, who is proceeding *pro se*, filed a Complaint challenging the decision of the Commissioner of Social Security denying his application for supplemental security income. Dkt. 2. On March 8, 2017, the Commissioner filed a motion for judgment on the pleadings. Dkt. 21. Plaintiff never responded to the motion. Before the Court is the Report and Recommendation (the “Report”) of the Hon. Andrew Peck, which recommends granting the Commissioner’s motion for judgment on the pleadings. Dkt. 28. Neither party filed objections to the Report.

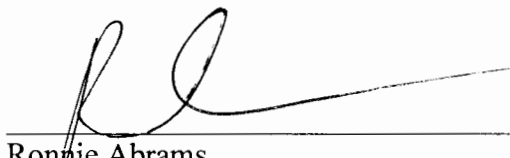
A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may object to a magistrate judge’s recommended findings “[w]ithin 14 days after being served with a copy of the recommended disposition.” Fed. R. Civ. P. 72(b)(2). “When the parties make no objections to the Report, the Court may adopt the Report if ‘there is no clear error on the face of the record.’” *Smith v. Corizon Health Servs.*, No. 14-CV-8839 (GBD), 2015 WL 6123563, at *1 (S.D.N.Y. Oct. 16, 2015) (quoting *Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005)). “Furthermore, if as here . . . the magistrate judge’s report states that failure to object will preclude

appellate review and no objection is made within the allotted time, then the failure to object generally operates as a waiver of the right to appellate review. As long as adequate notice is provided, the rule also applies to *pro se* parties.” *Hamilton v. Mount Sinai Hosp.*, 331 F. App’x 874, 875 (2d Cir. 2009) (citations omitted).

As there were no objections, the Court has reviewed Judge Peck’s well-reasoned Report for clear error. After careful review of the record and exhibits submitted with the Complaint, the Court finds no error and thus adopts the Report in its entirety. It is therefore ordered that the Commissioner’s motion for judgment on the pleadings is granted. The Clerk of Court is respectfully directed to terminate the motion pending at docket entry twenty-one and to close the case.

SO ORDERED.

Dated: October 27, 2017
New York, New York



Ronnie Abrams
United States District Judge