

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTINE FITZPATRICK, :
 :
 : 16cv8873
Plaintiff, :
 :
-against- :
 :
 :
NANCY BERRYHILL, *Acting* :
Commissioner of Social Security :
 :
 :
Defendants. :
 :

WILLIAM H. PAULEY III, United States District Judge:

Plaintiff Christine Fitzpatrick commenced this action seeking judicial review of the Commissioner of Social Security’s (“Commissioner”) denial of her application for disability insurance benefits and supplemental social security income. 42 U.S.C. § 405(g). On November 22, 2016, this Court referred the matter to the assigned Magistrate Judge.¹ On April 21, 2017, Fitzpatrick moved for judgment on the pleadings. On June 20, 2017, the Commissioner cross-moved for judgment on the pleadings. On January 30, 2018, Magistrate Judge Netburn issued her Report and Recommendation, recommending that this Court deny Fitzpatrick’s motion and grant the Commissioner’s cross-motion. No objections to the Report and Recommendation were filed.

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). In reviewing a Report and Recommendation that has not been objected to, a court “need only satisfy itself that

¹ This case was initially assigned to Magistrate Judge Katharine H. Parker but subsequently re-assigned to Magistrate Judge Sarah Netburn.

there is no clear error on the face of the record.” Simms v. Graham, 2011 WL 6072400, at *1 (S.D.N.Y. Dec. 6, 2011).

This Court has reviewed Magistrate Judge Netburn’s extremely thorough and well-reasoned Report and Recommendation, and finds that it is not erroneous on its face. See 28 U.S.C. § 636(b)(1)(C). Accordingly, this Court adopts the Report and Recommendation in its entirety. The parties’ failure to file written objections to the Report and Recommendation precludes appellate review of this decision. See Thomas v. Arn, 474 U.S. 140, 155 (1985).

Accordingly, Fitzpatrick’s motion for judgment on the pleadings is denied, and the Commissioner’s cross-motion for judgment on the pleadings is granted. The Clerk of Court is directed to terminate the motions pending at ECF Nos. 9 and 19, and mark this case as closed.

Dated: February 21, 2018
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.