

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TRACEY DRY,

Plaintiff,

-against-

NANCY BERRYHILL,  
Acting Commissioner of Social Security,

Defendant.

**OPINION AND ORDER**

17 Civ. 1254 (ER) (SN)

Ramos, D.J.:

Tracey Dry (“Plaintiff”) brings this action pursuant to 42 U.S.C. § 405(g) challenging the decision of the Commissioner of Social Security (“Commissioner”) denying her application for disability 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 January 22, 2018, Magistrate Judge Sarah Netburn issued a Report and Recommendation (“Report”), recommending that the Commissioner’s motion be granted and Plaintiff’s motion be denied, 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 DeLeon v. Strack*, 234 F.3d 84, 87 (2d Cir. 2000) (citing *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

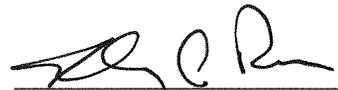
The Court has carefully reviewed Judge Netburn's thorough and well-reasoned Report and finds no error, clear or otherwise. Accordingly, the Court adopts the Report in its entirety. The Commissioner's Rule 12(c) motion is GRANTED, and Plaintiff's is DENIED.

Plaintiff's failure to file written objections precludes appellate review of this decision. *See PSG Poker, LLC v. DeRosa-Grund*, No. 06 CIV. 1104(DLC), 2008 WL 3852051, at \*3 (S.D.N.Y. Aug. 15, 2008) (citing *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997)).

The Clerk of Court is respectfully directed to terminate the motions, Docs. 12 and 14, and to close the case.

It is SO ORDERED.

Dated: February 20, 2018  
New York, New York



Edgardo Ramos, U.S.D.J.