

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 12/1/2017
--

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
 :  
 BEVERLY ZIEMOORE, :  
 :  
 :  
 :  
 Plaintiff, :  
 :  
 :  
 -v- :  
 :  
 COMMISSIONER OF SOCIAL SECURITY, :  
 :  
 Defendant. :  
 :  
 ----- X

1:17-cv-4621-GHW-AP

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION

GREGORY H. WOODS, United States District Judge:

On June 16, 2017, *pro se* Plaintiff Beverly Ziemoore 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 August 1, 2017, the Court referred this matter to Magistrate Judge Peck for a Report and Recommendation (“R&R”). Dkt. No. 12. On September 25, 2017, Defendant filed its motion for judgment on the pleadings. Dkt. No. 16. Plaintiff did not submit an opposition. Judge Peck issued his R&R on November 7, 2017, recommending that the Commissioner’s motion be granted. R&R at 1, Dkt. No. 18. The R&R advised that “[t]he parties shall have fourteen days from the service” of the R&R “to file written objections.” R&R at 24. 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 Peck’s well-reasoned and careful R&R. Accordingly, the Court adopts the R&R in its entirety, and, for the reasons set forth therein, grants the Commissioner’s motion for judgment on the pleadings. *See* R&R at 21.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

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. 16, and to close this case.

SO ORDERED.

Dated: November 30, 2017  
New York, New York

  
GREGORY H. WOODS  
United States District Judge