



(1) to develop the Record by soliciting a medical source statement, including a functional assessment, from Dr. Herivaux or another mental health provider who treated Plaintiff during the relevant period, or – should efforts to obtain such an assessment prove unfruitful – to obtain an updated consultative examination of Plaintiff;

(2) upon further development of the Record, to reevaluate the entirety of the evidence of Plaintiff’s psychiatric impairments (particularly with respect to concentration, persistence, and pace, and the frequency with which Plaintiff would likely be absent from work or off-task during a workday), and to reassess Plaintiff’s RFC accordingly, without relying on his own lay opinion regarding Plaintiff’s functional abilities; and

(3) in reassessing Plaintiff’s RFC, to consider not only the medical evidence, but also Plaintiff’s subjective complaints regarding her mental impairments.

*Id.* The Report also stated that the parties were required to file any objections within 14 days from the date of service of the Report. *Id.* To date, the Court has received no objections.

## **DISCUSSION**


In reviewing a Report and Recommendation, 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). When specific objections are made, “[t]he district judge 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). To accept those portions of the report to which no timely objection has been made, “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 (DLC), 2009 WL 2001439, at \*4 (S.D.N.Y. July 8, 2009) (citing *Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)); *see also Edwards v. Fischer*, 414 F. Supp. 2d 342, 346–47 (S.D.N.Y. 2006) (citation omitted).

**CONCLUSION**

Careful review of the thorough and well-reasoned Report reveals that there is no facial error in its conclusions. The Report, which is incorporated by reference herein, is adopted without modification. Ms. Castel’s motion for judgment on the pleadings is granted and the Commissioner’s cross-motion for judgment on the pleadings is denied. The Clerk of Court is directed to close this case.

The parties’ failure to file written objections precludes appellate review of this decision. *See Caidor v. Onondaga County*, 517 F.3d 601, 604 (2d Cir. 2008); *Small v. Sec’y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989) (per curiam).

SO ORDERED.

  
Paul A. Engelmayer  
United States District Judge

Dated: September 28, 2020  
New York, New York