

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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 :  
 Nancy Cotto, :  
 :  
 Plaintiff, :  
 :  
 - against - :  
 :  
 Commissioner of Social Security, :  
 :  
 Defendant. :  
 :  
 -----X

20-CV-9383 (VSB)

**OPINION & ORDER**

Appearances:

Nancy Cotto  
New York, NY  
*Pro Se Plaintiff*

Joseph Anthony Pantoja  
Elizabeth J. Kim  
U.S. Attorney’s Office  
New York, NY  
*Counsel for Defendant*

VERNON S. BRODERICK, United States District Judge:

On November 9, 2020, pro se Plaintiff Nancy Cotto (“Plaintiff”) filed this action seeking judicial review of the final decision of the Commissioner of Social Security (“Defendant” or “Commissioner”) denying her application for supplemental security income under Title XVI of the Social Security Act, 42 U.S.C. §§ 405(g), 1383(c)(3). On November 16, 2020, I referred this case to Magistrate Judge Robert W. Lehrburger. (Doc. 5.)

On August 17, 2021, Defendant filed a motion for judgment on the pleadings. (Doc. 20.) Plaintiff filed no opposition. On January 3, 2022, Judge Lehrburger ordered Plaintiff to file any response by January 17, 2022. (Doc. 22.) Plaintiff did not do so. On March 30, 2022, Judge

Lehrburger issued a thorough 22-page Report and Recommendation finding that “the Commissioner’s decision is supported by substantial evidence” and recommending that “the Commissioner’s motion be granted and judgment be entered in favor of the Defendant.” (Doc. 23, at 1.)

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). “To accept the report and recommendation of a magistrate, 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.” *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

Although the Report and Recommendation explicitly provided that “the parties shall have fourteen (14) days to file written objections to this Report And Recommendation” and “FAILURE TO FILE TIMELY OBJECTIONS WILL RESULT IN A WAIVER OF OBJECTIONS AND WILL PRECLUDE APPELLATE REVIEW,” (Doc. 23, at 22), neither party filed an objection nor requested additional time to do so. I have reviewed Judge Lehrberger’s thorough and well-reasoned Report and Recommendation for clear error and, after careful review, find none. I therefore ADOPT the Report and Recommendation in its entirety.

The Clerk's Office is respectfully directed to mail a copy of this Order to the pro se Plaintiff, to terminate any open motions, to enter judgment in accordance with this Order, and to close this case.

SO ORDERED.

Dated: May 26, 2022  
New York, New York

A handwritten signature in black ink that reads "Vernon Broderick". The signature is written in a cursive style with a horizontal line underneath the name.

Vernon S. Broderick  
United States District Judge