

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

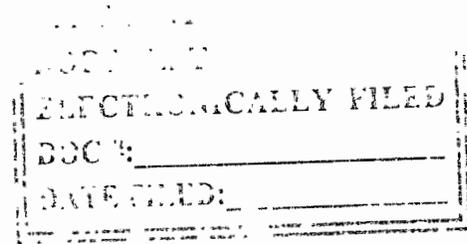
FRANK P. SALERNO,

Plaintiff,

v.

NANCY A. BERRYHILL, ACTING  
COMMISSIONER OF SOCIAL SECURITY,

Defendant.



No. 13-CV-4600 (KMK) (LMS)

ORDER ADOPTING R&R

KENNETH M. KARAS, District Judge:

On June 23, 2017, Magistrate Judge Lisa M. Smith entered a Report & Recommendation (the “R&R”) recommending that this Court grant Plaintiff’s Motion for Judgment on the Pleadings, deny Defendant’s Motion for Judgment on the Pleadings, and remand the case for further proceedings consistent with the R&R. (R&R 32 (Dkt. No. 13).) In the thorough R&R, Judge Smith provided notice that objections to the R&R were due within 14 days and that failure to object would preclude later appellate review of any order of judgment that will be entered. (*Id.* at 32.) No objections were filed.

Because no objections have been filed, the Court reviews the R&R “only for clear error on the face of the record.” *See Brennan v. Colvin*, No. 13-CV-6338, 2015 WL 1402204, at \*1 (S.D.N.Y. Mar. 25, 2015) (internal quotation marks omitted); *see also Iannolo v. Astrue*, No. 10-CV-7602, 2012 WL 523619, at \*1 (S.D.N.Y. Feb. 16, 2012) (same). Having reviewed the R&R for clear error and finding none, the Court adopts the R&R in its entirety.<sup>1</sup>

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<sup>1</sup> The Court notes that the federal regulations cited in footnotes 16 and 18 were amended in early 2017. Neither Party contends that the amendments have any bearing on this proceeding.

Accordingly, it is hereby:

ORDERED that Plaintiff's Motion is granted, Defendant's Motion is denied, and the matter is remanded for further administrative proceedings consistent with the R&R. The Clerk of Court is respectfully requested to terminate the pending Motions, (Dkt. Nos. 9, 11), and close this case.

SO ORDERED.

Dated: July 20, 2017  
White Plains, New York

  
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KENNETH M. KARAS  
UNITED STATES DISTRICT JUDGE