

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE GONZALEZ,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 16-CV-8445 (KMK) (PED)

ORDER ADOPTING R&R

KENNETH M. KARAS, District Judge:

On December 21, 2017, Magistrate Judge Paul E. Davison entered a Report & Recommendation (the “R&R”) recommending that this Court grant Plaintiff’s Motion for Judgment on the Pleadings and deny the Commissioner of Social Security’s Motion for Judgment on the Pleadings, thereby reversing the decision of the Commissioner of Social Security and remanding the case for rehearing. (Report & Recommendation (“R&R”) 30 (Dkt. No. 21).) In the thorough R&R, Judge Davison 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 31.) 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.


Accordingly, it is hereby:

ORDERED that Plaintiff's Motion is granted and the Commissioner's Motion is denied. The Commissioner's decision is therefore reversed and this case is remanded for rehearing. *See* 42 U.S.C. § 405(g) ("The court shall have the power to enter, upon the pleadings and transcript of the record, a judgment . . . reversing the decision of the Commissioner of Social Security, [and] remanding the cause for a rehearing.")

The Clerk of Court is respectfully requested to mail a copy of this Order to the Plaintiff's address listed on the docket, terminate the pending Motions, (Dkt. Nos. 16, 18), and close this case.

SO ORDERED.

Dated: January 30, 2018
White Plains, New York



KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE