

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CRYSTAL R. MORGAN,

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,¹

Defendant.

No. 21-CV-340 (KMK)

ORDER ADOPTING REPORT &
RECOMMENDATION

KENNETH M. KARAS, District Judge:

Crystal R. Morgan (“Plaintiff”) brings this Action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the final decision of the now-former Commissioner of Social Security, who has since been replaced by the Acting Commissioner of Social Security (the “Acting Commissioner” or “Defendant”), which denied her application for disability insurance benefits and/or supplemental security income benefits. (Dkt. No. 1.) Plaintiff and the Acting Commissioner cross-move for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. (Dkt. Nos. 14, 21.)

The case was referred to the Honorable Judith C. McCarthy (“Judge McCarthy”). On July 8, 2022, Judge McCarthy issued a Report and Recommendation (“R&R”) recommending that the Court grant Plaintiff’s Motion and deny the Commissioner’s Cross

¹ Kilolo Kijakazi became the Acting Commissioner on July 9, 2021. She is substituted for the former Commissioner, Andrew Saul, Pursuant to Fed. R. Civ. P. 25(d).

Motion. (Dkt. No. 26.) The Parties did not file any objections to the R&R.²

“When no objections are filed, the Court reviews an R&R on a dispositive motion for clear error.” *Disla v. Comm’r of Soc. Sec.*, No. 20-CV-6663, 2022 WL 1063067, at *1 (S.D.N.Y. Mar. 30, 2022); *see also Brito v. Comm’r of Soc. Sec.*, No. 19-CV-10631, 2022 WL 1002698, at *1 (S.D.N.Y. Mar. 30, 2022) (same); *Bickram v. Comm’r of Soc. Sec.*, No. 18-CV-1160, 2021 WL 2665876, at *1 (S.D.N.Y. June 29, 2021) (same). The Court has reviewed the R&R and finding no substantive error, clear or otherwise, adopts the R&R.

Accordingly, it is hereby:

ORDERED that the Report and Recommendation, dated July 8, 2022, is ADOPTED in its entirety.

ORDERED that Plaintiff’s Motion for Judgment on the Pleadings is granted.

ORDERED that Defendant’s Cross-Motion for Judgment on the Pleadings is denied.

ORDERED that judgment be entered in favor of Plaintiff, and that this matter be remanded to the Commissioner for further administrative proceedings.

The Clerk of Court is respectfully requested to terminate the pending Motions, (Dkt. Nos. 14, 21), and close this case.

SO ORDERED.

DATED: August 2, 2022
White Plains, New York



KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE

² Judge McCarthy provided notice that, pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, objections to the R&R were due within fourteen days after being served with a copy. (R&R 38.)