

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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KIMBERLY ANN BOYE,

Plaintiff,

v.

DECISION AND ORDER  
15-CV-264A

CAROLYN COLVIN, Acting  
Commissioner of the  
Social Security Administration,

Defendant.

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The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On January 4, 2017, Magistrate Judge McCarthy filed a Report and Recommendation (Dkt. No. 15), recommending that plaintiff's motion for judgment on the pleadings (Dkt. No. 9) be granted to the extent that this matter should be remanded to the Acting Commissioner for further proceedings. Magistrate Judge McCarthy further recommended that the Acting Commissioner's motion for judgment on the pleadings (Dkt. No. 12) be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, this matter is remanded to the Acting Commissioner for further proceedings consistent with the Report and Recommendation, and the Acting Commissioner's motion for judgment on

the pleadings is denied.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

*Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: February 2, 2017