

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DANYELLE COLLINS,)	
)	Civil Action
Plaintiff)	No. 2009-cv-04620
)	
vs.)	
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant)	
)	
SOCIAL SECURITY ADMINISTRATION)	
)	
Interested Party)	

O R D E R

NOW, this 15th day of March, 2011, upon consideration of the following documents:

- (1) Decision of Administrative Law Judge Melvin D. Benitz dated May 23, 2008;
- (2) Complaint filed October 8, 2009 (Document 1);
- (3) Answer filed December 16, 2009 (Document 5);
- (4) Plaintiff's Brief and Statement of Issues in Support of Request for Review, which brief and statement of issues was filed April 9, 2010 (Document 12);
- (5) Defendant's Response to Request for Review of Plaintiff, which response was filed June 4, 2010 (Document 15);
- (6) Plaintiff's Reply Brief filed June 25, 2010 (Document 18);
- (7) Report and Recommendation of United States Magistrate Judge David R. Strawbridge filed January 28, 2011 (Document 20);

- (8) Plaintiff's Objections to the Magistrate's Report and Recommendation, which objections were filed February 14, 2011 (Document 21); and
- (9) The Commissioner's Response to Plaintiff's Objections to the Magistrate Judge's Report and Recommendation, which response was filed February 25, 2011 (Document 23);

after a through review of the record in this matter; it appearing that plaintiff's objections to Magistrate Judge Strawbridge's Report and Recommendation are essentially a restatement of the issues raised in Plaintiff's Brief and Statement of Issues in Support of Plaintiff's Request for Review and are without merit; it further appearing after de novo review of this matter that Magistrate Judge Strawbridge's Report and Recommendation correctly determined the legal and factual issues presented,

IT IS ORDERED that Magistrate Judge Strawbridge's Report and Recommendation is approved and adopted.¹

¹ The extent of review of a Magistrate Judge's Report and Recommendation is committed to the discretion of the district court. Jozefick v. Shalala, 854 F.Supp. 342, 347 (M.D.Pa. 1994). However, the district court must review de novo those portions of the Report and Recommendation to which objection is made. 28 U.S.C. § 636(b)(1)(c). The court may "accept, reject or modify, in whole or in part, the magistrate's findings or recommendations." Brophy v. Halter, 153 F.Supp.2d 667, 669 (E.D.Pa. 2001); Rule 72.1(IV)(b) of the Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania.

Furthermore, district judges have wide latitude regarding how they treat recommendations of the magistrate judge. See United States v. Raddatz, 447 U.S. 667, 100 S.Ct. 2406, 65 L.Ed.2d 424 (1980). Indeed, by providing for a de novo determination, rather than a de novo hearing, Congress intended to permit a district judge, in the exercise of the court's sound discretion, the option of placing whatever reliance the court chooses to place on the magistrate judge's proposed findings and conclusions. I may accept, reject or modify, in whole or in part, any of the findings or recommendations made by the magistrate judge. Raddatz, supra.

IT IS FURTHER ORDERED that the decision of the Commissioner is affirmed.

IT IS FURTHER ORDERED that plaintiff's request for review is denied.

IT IS FURTHER ORDERED that plaintiff's alternate motion for remand is denied.

IT IS FURTHER ORDERED that plaintiff's objections to the Report and Recommendation of Magistrate Judge Strawbridge are overruled.²

IT IS FURTHER ORDERED that judgment is entered in favor of defendant Michael J. Astrue and against plaintiff Danyelle Collins.

IT IS FURTHER ORDERED that this matter is stricken from the March 17, 2011 argument list.³

² As noted above, plaintiff's objections to Magistrate Judge Strawbridge's Report and Recommendation merely restate the underlying claims contained in her request for review. Moreover, upon review of the Report and Recommendation, together with de novo review of the entire record, I conclude that the Report and Recommendation correctly determines the legal and factual issues raised by plaintiff.

Accordingly, I approve and adopt Magistrate Judge Strawbridge's Report and Recommendation and overrule plaintiff's objections to it.

³ By my Order dated February 16, 2011 I gave defendant until February 25, 2011 to file a response to plaintiff's objections to Magistrate Judge Strawbridge's Report and Recommendation and scheduled this matter for oral argument on March 17, 2011. Footnote 2 of that Order states in pertinent part, "in the event that the court determines that the matter may be resolved on the papers prior to March 17, 2011, oral argument scheduled for that date may be stricken."

Because this matter has been appropriately resolved on the record, this matter is stricken from the March 17, 2011 argument list.

IT IS FURTHER ORDERED that the Clerk of Court shall
close this civil action for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge