

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

EILEEN MARIA LABADIE,	:	
	:	
Plaintiff,	:	CIVIL ACTION NO. 15-3493
	:	
v.	:	
	:	
CAROLYN W. COLVIN, ACTING	:	
COMMISSIONER OF SOCIAL	:	
SECURITY,	:	
	:	
Defendant.	:	

ORDER

AND NOW, this 7th day of April, 2017, after considering the complaint (Doc. No. 1), the answer to the complaint (Doc. No. 6), the administrative record (Doc. No. 7), the plaintiff’s brief in support of her motion for summary judgment (Doc. No. 12), the defendant’s response to the request for review (Doc. No. 13), and the report and recommendation filed by United States Magistrate Judge Elizabeth T. Hey on March 22, 2017 (Doc. No. 16); and no party having filed objections to the report and recommendation; accordingly, it is hereby **ORDERED** as follows:

1. The clerk of court is **DIRECTED** to return this matter to the court’s active docket;
2. The report and recommendation (Doc. No. 16) is **APPROVED** and **ADOPTED**;¹

¹ According to the display receipt attendant to the docket entry for Magistrate Judge Hey’s report and recommendation, the clerk of court e-mailed a copy of the report and recommendation to counsel for the parties on March 22, 2017. The parties had a fourteen days to file objections under 28 U.S.C. § 636(b)(1) and Local Rule of Civil Procedure 72.11V(b). Therefore, they had until April 5, 2017, to file timely objections. As of today, neither party has filed objections to the report and recommendation.

Since neither party filed objections to Judge Hey’s report and recommendation, the court need not review the report before adopting it. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987). Nonetheless, “the better practice is for the district judge to afford some level of review to dispositive legal issues raised by the report.” *Id.* As such, the court will review the report for plain error. *See Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) (“In the absence of a timely objection, . . . this Court will review [the magistrate judge’s] Report and Recommendation for clear error.” (internal quotation marks omitted)). The court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). The court has reviewed Judge Hey’s report for plain error and has found none.

3. The plaintiff's request for review is **DENIED**;
4. The final decision of the Commissioner is **AFFIRMED**; and
5. The clerk of court is **DIRECTED** to mark this matter as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.