

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

LINDA BOCELLI,	:	
Plaintiff,	:	
	:	
v.	:	Civil No. 2:21-cv-00167-JMG
	:	
ANDREW M. SAUL	:	
COMMISSIONER OF SOCIAL SECURITY,	:	
Defendant.	:	

ORDER

AND NOW, this 6th day of May, 2022, upon consideration of Plaintiff’s Complaint, ECF No. 1; the Social Security Administrative Record, ECF No. 12; Plaintiff’s Request for Review/Motion for Summary Judgment, ECF No. 13; Defendant’s Response to Request for Review, ECF No. 14; Plaintiff’s Response in Support of Request for Review/Motion for Summary Judgment, ECF No. 15; and upon review of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells, ECF No. 17, **IT IS HEREBY ORDERED THAT:**¹

¹ When neither party objects to a magistrate judge’s report and recommendation, the district court is not statutorily required to review the report, under de novo or any other standard. *See* 28 U.S.C. § 636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 152 (1985). Nevertheless, the United States Court of Appeals for the Third Circuit has held that it is better practice to afford some level of review to dispositive legal issues raised by the report. *See Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987), *writ denied* 484 U.S. 837 (1987). “When no objections are filed, the district court need only review the record for plain error or manifest injustice.” *Harper v. Sullivan*, No. 89-4272, 1991 U.S. Dist. LEXIS 2168, at *2 n.3 (E.D. Pa. Feb. 22, 1991). *See also Hill v. Barnacle*, No. 15-3815, 2016 U.S. App. LEXIS 12370, at *16-17 (3d Cir. 2016) (holding that even when objections are filed, district courts “are not required to make any separate findings or conclusions when reviewing a magistrate judge’s recommendation de novo under 28 U.S.C. § 636(b)”); *Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) (explaining that in the absence of a timely objection, the court should review the magistrate judge’s report and recommendation for clear error). “A ‘plain’ error is one that is ‘clear’ or ‘obvious.’” *Gov’t of the V.I. v. Lewis*, 620 F.3d 359, 364 (3d Cir. 2010). The district 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).

1. The Report and Recommendation, ECF No. 17, is **APPROVED and ADOPTED**.²
2. Plaintiff's Request for Review/Motion for Summary Judgment, ECF No. 13, is **DENIED**.
3. Judgment is entered in favor of Defendant, the Acting Commissioner of the Social Security Administration.
4. This case is **CLOSED**.

BY THE COURT:

/s/ John M. Gallagher _____
JOHN M. GALLAGHER
United States District Court Judge

² The Court does not find any plain error in the Magistrate Judge's proposed factual findings or legal conclusions.