TRABOSH v. COLVIN Doc. 23

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

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| GARY A. TRABOSH,<br><br>Plaintiff,<br>v.<br><br>NANCY A. BERRYHILL,[1] *Commissioner of the Social Security Administration*,<br><br>Defendant. | :<br>:<br>:<br>:<br>:<br>:<br>:<br>:<br>: | No. 5:15-cv-00004 |

**O R D E R**

The undersigned referred this action to United States Magistrate Judge Henry S. Perkin for a report and recommendation. On June 26, 2017, Judge Perkin issued a report and recommendation that Trabosh's appeal of the final decision of the Commissioner be denied. Twenty-eight days have passed, and no objections have been filed.[2]

This 24th day of July, 2017, having reviewed the report and recommendation,[3] it is **ORDERED** as follows:

1. The Report and Recommendation, ECF No. 21, is **ADOPTED**.
2. The relief sought by Plaintiff is **DENIED**.
3. The decision of the Commissioner is **AFFIRMED**.
4. The Clerk of Court shall close this case.

BY THE COURT:

*/s/ Joseph F. Leeson, Jr.*
JOSEPH F. LEESON, JR.
United States District Judge

[1] Nancy A. Berryhill is now the Acting Commissioner of the Social Security Administration, and by operation of Federal Rule of Civil Procedure 25(d), she is automatically substituted as the defendant to this action.

[2] *See* 28 U.S.C. § 636(b)(1) (providing that a party who wishes to object to a magistrate judge's report and recommendation must file written objections within "fourteen days after being served with a copy").

[3] *See Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) ("While [§ 636] may not require, in the absence of objections, the district court to review the magistrate's report before accepting it, we believe that the better practice is for the district judge to afford some level of review to dispositive legal issues raised by the report." (citation omitted)).



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