

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

THOMAS THURSTON SEESOLTZ, II, : CIVIL ACTION NO. 1:16-CV-1808

Plaintiff : **(Chief Judge Conner)**

v. :

**NANCY A. BERRYHILL, Acting
Commissioner of Social Security,¹** :

Defendant :

ORDER

AND NOW, this 9th day of August, 2017, upon consideration of the report (Doc. 12) of Magistrate Judge Martin C. Carlson, recommending the court deny the appeal of Thomas Thurston Seesoltz, II (“Seesoltz”), from the decision of the administrative law judge denying his application for a period of disability and disability insurance benefits, and it appearing that Seesoltz did not object to the report, see FED. R. CIV. P. 72(b)(2), and the court observing that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d at 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa.

¹ Carolyn W. Colvin (“Colvin”) was Acting Commissioner of Social Security when the instant action was filed against her in her official capacity. On January 23, 2017, Nancy A. Berryhill succeeded Colvin as Acting Commissioner. Pursuant to Federal Rule of Civil Procedure 25(d), Nancy A. Berryhill is substituted as the defendant in this action. See FED. R. CIV. P. 25(d).

2010)), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court being in agreement with Judge Carlson that the decision of the administrative law judge is “supported by substantial evidence,” 42 U.S.C. § 405(g); Fargnoli v. Massanari, 247 F.3d 34, 38 (3d Cir. 2001), and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 12) of Magistrate Judge Carlson is ADOPTED.
2. The decision of the Commissioner of Social Security (“Commissioner”) denying the application for a period of disability and disability insurance benefits of Thomas Thurston Seesoltz, II (“Seesoltz”), is AFFIRMED.
3. The Clerk of Court shall enter judgment in favor of the Commissioner and against Seesoltz as set forth in paragraph 2.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania