

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>STEPHANIE HOWELL,</b>	:	
	:	
<b>Plaintiff</b>	:	<b>CIVIL ACTION NO. 3:16-0633</b>
	:	
<b>v.</b>	:	<b>(JUDGE MANNION)</b>
	:	
<b>NANCY A. BERRYHILL,</b>	:	
<b>ACTING COMMISSIONER OF</b>	:	
<b>SOCIAL SECURITY,<sup>1</sup></b>	:	
	:	
<b>Defendant</b>	:	

**MEMORANDUM**

Pending before the court is the report of Magistrate Judge Martin C. Carlson filed on August 14, 2017, which recommends that the plaintiff's request for a new administrative hearing be granted and the Commissioner's decision denying the plaintiff's application for benefits be vacated. (Doc. [21](#)). On August 21, 2017, the defendant waived the opportunity to respond to Judge Carlson's report, (Doc. [22](#)), and, as of this date, the plaintiff has failed to file objections to Judge Carlson's report.

When no objections are made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed.

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<sup>1</sup>On January 23, 2017, Nancy A. Berryhill became the Acting Commissioner of Social Security. Pursuant to Federal Rule of Civil Procedure 25(d), Nancy A. Berryhill is substituted for Carolyn W. Colvin, Acting Commissioner of Social Security, as the defendant in this suit.

R. Civ. P. 72(b), advisory committee notes; see also Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

The court has reviewed the reasons presented by Judge Carlson for recommending that the plaintiff's request for a new administrative hearing be granted and the denial of her application for benefits be vacated. Because the court agrees with the sound reasoning that led Judge Carlson to the conclusions in his report and finds no clear error on the face of the record, the court will adopt the report in its entirety. An appropriate order shall issue.

*s/ Malachy E. Mannion*  
MALACHY E. MANNION  
United States District Judge

Date: September 5, 2017

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