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

KELLY SUE DOWD,	:	**No. 3:17cv1589**
Plaintiff	:	
	:	**(Judge Munley)**
v.	:	
	:	**(Chief Magistrate Judge Schwab)**
COMMISSIONER OF SOCIAL SECURITY,[1]	:	
Defendant	:	

ORDER

Before the court for disposition is Chief Magistrate Judge Susan E. Schwab's report and recommendation (Doc. 17), which proposes that the plaintiff's social security appeal be denied.

No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, we shall determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy

[1] Plaintiff originally listed "Commissioner of Social Security" as the defendant in this action. At the time, Carolyn Colvin served as the Acting Commissioner of Social Security. Nancy A. Berryhill replaced her as the Acting Commissioner in January 2017. Thus, pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Berryhill is automatically substituted as the named defendant. Evidently, Berryhill has exceeded the time limit that one can serve as "acting" commissioner and currently leads the agency as "Deputy Commissioner for Operations". For purposes of simplicity, we shall refer to her as the "Commissioner".

itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice, and therefore, we shall adopt the report and recommendation. It is hereby **ORDERED** as follows:

1) The chief magistrate judge's report and recommendation (Doc. 17) is **ADOPTED**;

2) The plaintiff's request for remand for a new administrative determination or award of benefits is **DENIED**;

3) The Commissioner's final decision denying plaintiff's application for benefits is **AFFIRMED**;

4) The Clerk of Court is directed to enter judgment in favor of the Commissioner of Social Security and against plaintiff; and

5) The Clerk of Court is directed to close this case.

BY THE COURT:

Date: 1/17/18

JUDGE JAMES M. MUNLEY
United States District Court