

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

BRIAN L. ADLEY	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 3:18-398
	:	
v.	:	(JUDGE MANNION)
	:	
NANCY A. BERRYHILL	:	
	:	
Defendant	:	

ORDER

Presently before the court is the report and recommendation of Magistrate Judge Joseph F. Saporito, Jr. (“Report”), which recommends that the decision of the Commissioner of Social Security (“Commissioner”) denying plaintiff Brian L. Adley’s (“Adley”) application for Supplemental Social Security Income (“SSI”) be affirmed. ([Doc. 16](#)). No objections have been filed to the Report by either party. Upon review of the record in this matter, the Report will be adopted in its entirety, and the decision of the Commissioner will be affirmed.

When no objections are made to the report and recommendation of a magistrate judge, 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.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); M.D.Pa. L.R. 72.31.

On September 8, 2016, Adley was denied SSI by an administrative law judge (“ALJ”) under Title XVI of the Social Security Act. Adley appeals the decision, however, arguing that the ALJ erred, abused his discretion, and that his decision was not supported by substantial evidence. In considering Adley’s claims, Judge Saporito determined that the ALJ’s evaluation was supported by substantial evidence. Judge Saporito acknowledged the ALJ failed to mention several facts regarding Adley’s hip and back pain, but ultimately held that any error was harmless and did not require remand for further proceedings. Accordingly, Judge Saporito recommends the decision of the Commissioner be affirmed and Adley’s application for SSI be denied.

The court has reviewed the entire Report of Judge Saporito and agrees with the sound reasoning, which led him to his recommendation. As such, the court adopts the Report of Judge Saporito as the opinion of the court.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- (1) The Report of Judge Saporito ([Doc. 16](#)) is **ADOPTED IN ITS ENTIRETY**;
- (2) The Commissioner's decision denying Adley SSI is **AFFIRMED**.
- (3) Adley's complaint appealing the final decision of the Commissioner denying his claim for SSI ([Doc. 1](#)) is **DENIED**; and
- (4) The Clerk of Court is directed to **CLOSE THIS CASE**.

sl Malachy E. Mannion

MALACHY E. MANNION
United States District Judge

DATE: March 18, 2019

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