

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

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UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

ANNA WALLACE, )  
)  
Plaintiff, )  
)  
v. )  
)  
MICHAEL J. ASTRUE, )  
Commissioner of Social Security, )  
)  
Defendant. )

Case No. 5:11-cv-26

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

(Docs. 10, 15, & 17)

This matter came before the court for a review of the Magistrate Judge's January 10, 2012 Report and Recommendation ("R & R") in the above-captioned matter (Doc. 17). Neither party has objected to the R & R, and the deadline for doing so has expired.

In this action, pursuant to 42 U.S.C. § 405(g), Plaintiff Anna Wallace seeks review of the decision of the Commissioner of Social Security (the "Commissioner") denying her application for disability insurance benefits. In the R & R, the Magistrate Judge recommends granting in part Ms. Wallace's motion to reverse the Commissioner's decision (Doc. 10) and denying the Commissioner's motion to affirm the same (Doc. 15). He further recommends that the matter be remanded for further proceedings and a new decision in accordance with the R & R.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); *Cullen v. United States*, 194 F.3d 401, 405 (2d Cir. 1999). The district judge may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); *accord*

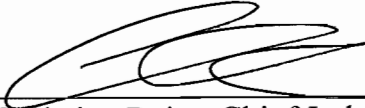
*Cullen*, 194 F.3d at 405. A district judge, however, is not required to review the factual or legal conclusions of the magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. See *Campbell v. United States Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974), *cert. denied*, 419 U.S. 879 (1974).

In his twenty-two page R & R, the Magistrate Judge carefully reviewed the factual record, the competing motions, the applicable law, and the ALJ's decision. The court agrees with the Magistrate Judge's conclusions and hereby ADOPTS the R & R as the Opinion and Order of this court.

For the foregoing reasons, the court hereby GRANTS IN PART Ms. Wallace's motion to reverse (Doc. 10), DENIES the Commissioner's motion for an order affirming the ALJ's decision (Doc. 15) and REMANDS this case for proceedings consistent with this Opinion and Order.

SO ORDERED.

Dated at Rutland, in the District of Vermont, this 13<sup>th</sup> day of February, 2012.

  
Christina Reiss, Chief Judge  
United States District Court