

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

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JON MANNING,)
)
Plaintiff,)
)
v.) Case No. 5:11-cv-253
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

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

(Docs. 6, 7, and 10)

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


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 and the competing motions. He also reviewed the March 21, 2001 decision of Administrative Law Judge (“ALJ”) Paul Martin, concluding that the ALJ properly determined that Plaintiff Jon Manning was not disabled under the Social Security Act from his alleged disability onset date of September 13, 2006 through the date of the decision. The Magistrate Judge thus recommended that the court DENY the Plaintiff’s motion to reverse (Doc. 6) and GRANT the Government’s motion to affirm (Doc. 7.)

The court agrees with the Magistrate Judge’s conclusions. For the foregoing reasons, the court hereby ADOPTS the Magistrate Judge’s R & R as the court’s Opinion and Order in this case and hereby DENIES Plaintiff’s motion to reverse (Doc. 6) and GRANTS the Government’s motion to affirm (Doc. 7.)

SO ORDERED.

Dated at Rutland, in the District of Vermont, this 19th day of September, 2012.


Christina Reiss, Chief Judge
United States District Court