UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OSCAR COLLAZO,

Plaintiff,

-v-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 13-cv-5758 (RJS) (HBP)
ORDER ADOPTING REPORT AND RECOMMENDATION

RICHARD J. SULLIVAN, District Judge:

Plaintiff Oscar E. Collazo brings this action pursuant to 42 U.S.C. § 405(g) to appeal the final decision of the Social Security Commissioner ("Defendant" or "Commissioner") denying his claims for Disability Insurance Benefits and Supplemental Security Income Benefits under the Social Security Act. (Doc. No. 2.) On August 21, 2013, the Court referred this matter to the Honorable Henry B. Pitman, Magistrate Judge, for a Report and Recommendation. (Doc. No. 6.) Thereafter, Defendant moved for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. (Doc. No. 17.) Plaintiff subsequently cross-moved for an award of benefits or, alternatively, remand. (Doc. No. 30.)

Now before the Court is Judge Pitman's Report and Recommendation, dated December 22, 2015 (Doc. No. 19, the "Report"), recommending that (1) Plaintiff's motion be granted with respect to remand, (2) Defendant's motion be denied, and (3) the case be remanded to the Administrative Law Judge ("ALJ") to make "further inquiry into the physical and mental demands of plaintiff's past relevant work" (Report at 37), and to "reexamine [the] determination with respect to plaintiff's limitations in concentration, persistence and pace" (*id.* at 60). In the Report, Judge Pitman informed the parties of the time in which to file objections and advised the parties that failure to file timely

objections to the Report would constitute a waiver of those objections on appeal. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b). No party has filed objections to the Report, and the time to do so has expired.

The Court "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); *see also* Fed. R. Civ. P. 72(b)(3). When no objections to a report and recommendation are made, "a district court need only satisfy itself that there is no clear error on the face of the record." *Boyd v. City of New York*, 12-cv-3385 (PAE) (JCF), 2013 WL 452313, *1 (S.D.N.Y. Feb. 6, 2013) (citation and internal quotation marks omitted); *see also Lang ex rel. Morgan v. Astrue*, 05-cv-7263 (KMK) (PED), 2009 WL 3747169, *1 (S.D.N.Y. Nov. 6, 2009) (same). Having reviewed Judge Pitman's comprehensive sixty-two-page Report, the Court finds that the reasoning and conclusions set forth therein are not facially or clearly erroneous. The Court thus adopts the Report in its entirety.

Accordingly, IT IS HEREBY ORDERED THAT Plaintiff's motion for judgment on the pleadings is DENIED to the extent he seeks an award of benefits but GRANTED to the extent he seeks remand, Defendant's motion for judgment on the pleadings is DENIED, and the case is REMANDED to the ALJ pursuant to 42 U.S.C. § 405(g). The Clerk of the Court is respectfully directed to terminate the motions pending at docket numbers 17 and 30 and to close this case.

SO ORDERED.

DATED: January 11, 2016
New York, New York

RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE