

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Lloyd Harmon v. Commissioner of Social Security

Harmon · No. 24 Civ. 9216 (AT) (KHP) · Decided November 25, 2025

SUMMARY

The Southern District of New York adopted a magistrate judge’s report and recommendation concerning Lloyd Harmon’s challenge to the denial of Social Security Disability Insurance benefits. Because no objections were filed and the court found no clear error, it granted the Commissioner’s motion to dismiss the action as untimely and directed that the case be closed.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Analisa Torres
JURISDICTION	U.S. District Court for the Southern District of New York
DECIDED	November 25, 2025
DOCKET	24 Civ. 9216 (AT) (KHP)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff sought judicial review under 42 U.S.C. § 405(g) of the denial of Social Security Disability Insurance benefits. The Commissioner moved to dismiss under Federal Rule of Civil Procedure 12(b)(6) as untimely. After the assigned magistrate judge recommended granting the motion and no objections were filed, the district court reviewed the recommendation for clear error, adopted it, granted the motion, and closed the case.
STANDARD OF REVIEW	Clear-error review of an unobjected-to report and recommendation.
PRECEDENTIAL VALUE	unpublished
PARTIES	Lloyd Harmon v. Commissioner of Social Security

TOPICS

- motions to dismiss
- judicial review of agency action
- administrative law
- civil procedure
- statute of limitations

PRACTICE AREAS

administrative law

social security

civil procedure

QUESTIONS PRESENTED

1. Whether the district court should review the unobjected-to report and recommendation for clear error.
2. Whether the Commissioner's motion to dismiss the Social Security complaint as untimely should be granted.

HOLDINGS

1. When no timely objection is made to a report and recommendation, the district court reviews the recommendation for clear error.
2. The court adopted the magistrate judge's recommendation and granted the Commissioner's Rule 12(b)(6) motion to dismiss the complaint as untimely.

KEY QUOTATIONS

"Because no objection was made, the Court reviews the R&R for clear error."

"The Commissioner's motion to dismiss is GRANTED."

FACTUAL BACKGROUND

Lloyd Harmon applied for Social Security Disability Insurance benefits, but the Commissioner denied his application. Harmon filed a complaint seeking judicial review under 42 U.S.C. § 405(g), and the Commissioner moved to dismiss it as untimely. Harmon did not oppose the motion or object to the magistrate judge's recommendation that the complaint be dismissed.

PROCEDURAL HISTORY

The case was referred to Magistrate Judge Katherine H. Parker. The Commissioner moved to dismiss the complaint as untimely, and Plaintiff did not oppose the motion. Judge Parker issued a report and recommendation recommending dismissal. No objections were filed, so the district court reviewed the R&R for clear error, adopted it in its entirety, granted the motion to dismiss, and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Santiago v. Colvin, No. 12 Civ. 7052, 2014 WL 1092967, at *1 (S.D.N.Y. Mar. 17, 2014)

OPINION

USDC SDNY UNITED STATES DISTRICT COURT DOCUMENT SOUTHERN DISTRICT OF NEW YORK ELECTRONICALLY FILED Lloyd Harmon, DOC # DATE FILED: __ 11/25/2025 _ Plaintiff, -against- 24 Civ. 9216 (AT) (KHP) Commissioner of Social Security, ORDER ADOPTING REPORT AND Defendant. RECOMMENDATION ANALISA TORRES, District Judge: Plaintiff, Lloyd Harmon seeks judicial review under 42 U.S.C. § 405(g) of a decision by the Commissioner of Social Security (the “Commissioner”) denying his application for Social Security Disability Insurance.

See generally Compl., ECF No. 1. The Court referred this matter to the Honorable Katherine H. Parker. ECF No. 11. On March 7, 2025, the Commissioner moved to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(6) as untimely. See Mot., ECF No. 12; see also Mem., ECF No. 13. Plaintiff did not oppose the motion.

On September 29, 2025, after careful consideration, the Judge Parker issued a report (the “R&R”) recommending that the Commissioner’s motion to dismiss be granted. See R&R, ECF No. 17. Despite notification of the right to object to the R&R, no objections were filed, and the time to do so has now passed. See *id.* at 7; see Fed. R. Civ. P. 72(b)(2); Fed R. Civ.

P. 6(d). Because no objection was made, the Court reviews the R&R for clear error. *Santiago v. Colvin*, No. 12 Civ. 7052, 2014 WL 1092967, at *1 (S.D.N.Y. Mar. 17, 2014). The Court finds no clear error in Judge Parker’s thorough and well-reasoned R&R.

Accordingly, the Court ADOPTS the R&R in its entirety. The Commissioner’s motion to dismiss is GRANTED. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 12 and close the case. SO ORDERED. Dated: November 25, 2025 New York, New York ANALISA TORRES United States District Judge