

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FERNANDO ANTONIO COLON, SR.,

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Civil Action No. 23-36-GBW-CJB

MEMORANDUM ORDER

In this action between Plaintiff Fernando Antonio Colon, Sr. and Defendant Kilolo Kijakazi, Magistrate Judge Burke issued a Report and Recommendation (“Report”) (D.I. 25) “recommend[ing] that the District Court DENY Plaintiff’s motion for summary judgment and GRANT Defendant’s motion for summary judgment.” *Colon v. Kijakazi*, No. CV 23-36-GBW-CJB, 2025 WL 1918573, at *1 (D. Del. July 11, 2025).

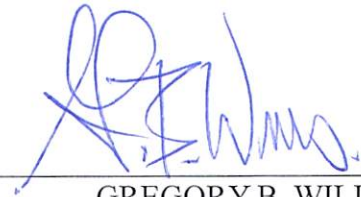
In reviewing a Magistrate Judge’s report and recommendation, the Court must “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). The Court may “accept, reject, or modify, in whole or in part” the Magistrate Judge’s findings or recommendations. *Id.*; *see Prater v. Dep’t of Corr.*, 76 F.4th 184, 194 (3d Cir. 2023). “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.’” *Speakman v. Williams*, 440 F. Supp. 3d 376, 381 (D. Del. 2020) (quoting Fed. R. Civ. P. 72(b) advisory committee’s notes to 1983 amendment), *aff’d*, 841

F. App'x 382 (3d Cir. 2021); *see Equal Emp. Opportunity Comm'n v. City of Long Branch*, 866 F.3d 93, 99-100 (3d Cir. 2017).

In this instance, neither side has timely objected to the Report. The Court has carefully reviewed the Report and finds that the Magistrate Judge is correct as a matter of fact and law. The Court finds the determinations are not clearly erroneous. Accordingly, the Court adopts the Report.

* * *

WHEREFORE, at Wilmington this 29th day of July, 2025, **IT IS HEREBY ORDERED** that the Report is **ADOPTED**.



GREGORY B. WILLIAMS
UNITED STATES DISTRICT JUDGE