

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ANNIE COBURN,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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Case No. 08-11397

Honorable Patrick J. Duggan

**OPINION AND ORDER**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District  
of Michigan, on October 23, 2008.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

On April 2, 2008, Plaintiff filed this lawsuit challenging a final decision of the Commissioner denying Plaintiff's application for Social Security Disability Insurance Benefits. On August 11, 2008, Plaintiff filed a motion for summary judgment. On September 9, 2008, Defendant filed a motion for summary judgment. This Court referred both motions to Magistrate Judge Donald A. Scheer.

On September 30, 2008, Magistrate Judge Scheer filed his Report and Recommendation (R&R) recommending that this Court deny Plaintiff's motion for summary judgment and grant Defendant's motion. At the conclusion of the R&R, Magistrate Judge Scheer advises the parties that they may object and seek review of the

R&R within ten days of service upon them. (R&R at 9.) He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.*, citing *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981), *Thomas v. Arn*, 474 U.S. 140 (1985); and *Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6<sup>th</sup> Cir. 1991).) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Scheer. Accordingly,

**IT IS ORDERED**, that Plaintiff’s motion for summary judgment is **DENIED**;

**IT IS FURTHER ORDERED**, that Defendant’s motion for summary judgment is **GRANTED**.

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:  
Mikel E. Lupisella, Esq.  
AUSA Janet L. Parker  
Magistrate Judge Donald A. Scheer