| UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO | |
|------------------------------------------------------------------|---------------------------------------------------|
| JAMES R. LUPTON, III., | : CASE NO. 1:15-CV-1068 |
| Plaintiff, | |
| v. CAROLYN COLVIN, Acting Commissioner of Social Security, | OPINION & ORDER [Resolving Doc. No. <u>1</u>] |
| Defendant. | |

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On May 28, 2015, Plaintiff James R. Lupton, III. filed a Complaint under 42 U.S.C. § 405(g), seeking judicial review of the Commissioner of Social Security's denial of his claim for disability benefits.¹ In his Complaint, Plaintiff Lupton argued that the Commissioner's decision is not supported by substantial evidence and is contrary to law and regulations and Social Security Rulings.²

Consistent with Local Rule 72.2, this case was automatically referred to Magistrate Judge Nancy A. Vecchiarelli. On January 12, 2016, Magistrate Judge Vecchiarelli issued a Report and Recommendation that recommended this Court reverse the Commissioner's denial of Plaintiff Lupton's claim for disability benefits and remand the case back to the ALJ for further proceedings.³ Neither party objects to the Magistrate Judge's recommendation.⁴

- ¹ Doc. $\underline{1}$.
- $\frac{2}{3}$ Id.
- ³ Doc. <u>16</u>. ⁴ Doc. <u>17</u>.

Case No. 1:15-CV-1068 Gwin, J.

The Federal Magistrates Act requires a district court to conduct a de novo review only of those portions of a Report and Recommendation to which the parties have made an objection.⁵ Absent objection, a district court may adopt the magistrate judge's report without review.⁶ Moreover, having conducted its own review of the parties' briefs in this case, the Court agrees with the conclusions of Magistrate Judge Vecchiarelli.

Accordingly, the Court ADOPTS in whole Magistrate Judge Vecchiareli's findings of fact and conclusions of law and incorporates them fully herein by reference. The Court thus REMANDS this case to the Administrative Law Judge for further proceedings.

IT IS SO ORDERED.

Dated: February 4, 2016

<u>s/</u><u>James S. Gwin</u> JAMES S. GWIN UNITED STATES DISTRICT JUDGE

⁵ <u>28 U.S.C. § 636(b)(1)(C).</u>

⁶ <u>Thomas v. Arn, 474 U.S. 140, 149 (1985)</u>.