

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

ANA E. GONZALEZ,

Plaintiff,

vs.

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

CASE NO. 15-CV-1367

OPINION & ORDER  
[Resolving Doc. [1](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff Ana Gonzalez brings claims for wrongful denial of disability insurance benefits (“DIB”).<sup>1</sup> On March 6, 2014, Administrative Law Judge George D. Roscoe held a hearing on Gonzalez’s benefits application.<sup>2</sup> The ALJ found that Plaintiff Gonzalez was not disabled and denied the application. Magistrate Judge Knepp, II recommends affirming the Administrative Law Judge’s denial of benefits, except as to the application of Listing 14.02(A), which should be remanded.<sup>3</sup> The parties have failed to file objections by the deadline, July 28, 2016. For the following reasons, this Court **ADOPTS** the recommendation of the Magistrate Judge and **AFFIRMS IN PART** the ALJ’s denial of benefits.

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.<sup>4</sup>

Absent objection, a district court may adopt the Magistrate Judge’s report without review.<sup>5</sup> Moreover, having conducted its own review of the complaint<sup>6</sup> and administrative record,<sup>7</sup> the Court agrees with the conclusions of the Magistrate Judge.

<sup>1</sup> Doc. [1](#).

<sup>2</sup> [Doc. 18](#) at 1.

<sup>3</sup> [Doc. 18](#) at 1.

<sup>4</sup> [28 U.S.C. § 636\(b\)\(1\)](#).

Accordingly, the Court **ADOPTS** Magistrate Judge Knepp's findings of fact and conclusions of law and incorporates them fully herein by reference.<sup>8</sup>

This Court **ADOPTS** the recommendation of the Magistrate Judge and **AFFIRMS IN PART** the ALJ's denial of benefits.<sup>9</sup>

IT IS SO ORDERED.

Dated: August 11, 2016

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

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<sup>5</sup> [28 U.S.C. § 636\(b\)\(1\)](#) (requiring de novo review where the claimant filed objections to the report and recommendation).

<sup>6</sup> [Doc. 1](#).

<sup>7</sup> [Doc. 5](#).

<sup>8</sup> [Doc. 18](#).

<sup>9</sup> The application of Listing 14.02(A) should be remanded pursuant to sentence four for further proceedings consistent with the Report and Recommendation.