

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF OHIO

	:	
THOR HIGGINBOTHAM,	:	CASE NO. 1:23-cv-01526
	:	
Plaintiff,	:	OPINION & ORDER
	:	[Resolving Docs. 1, 10]
vs.	:	
	:	
COMMISSIONER OF SOCIAL SECURITY ADMINISTRATION,	:	
	:	
Defendant.	:	
	:	

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff Thor Higginbotham seeks judicial review of the Social Security Commissioner’s final decision denying his application for Supplemental Security Income.¹

On April 16, 2024, Magistrate Judge Greenberg issued a Report and Recommendation (“R&R”) recommending that the Court reverse and remand the Commissioner’s final decision.² The Commissioner’s objections were due on April 30, 2024.³ The Commissioner did not file objections.

The Federal Magistrates Act requires district courts to conduct a *de novo* review of only objected-to portions of an R&R.⁴ Absent objection, district courts may adopt an R&R without review.⁵ The Commissioner did not object to the R&R, so this Court may adopt Magistrate Judge Greenberg’s R&R without further review.

¹ Doc. 1. Plaintiff and Defendant filed merits briefs. Docs. 6, 8. Plaintiff filed a reply. Doc. 9.
² Doc. 10.
³ Parties have fourteen days to file objections to a Magistrate Judge’s R&R. LR 72.3(b).
⁴ 28 U.S.C. § 636(b)(1).
⁵ *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). Failure to timely object may waive a party’s right to appeal the district court’s order adopting the R&R. *Id.* at 155; *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

Case No. 1:23-cv-01526
Gwin, J.

Accordingly, the Court **ADOPTS** Magistrate Judge Greenberg's R&R, **REVERSES** the Commissioner's final decision, and **REMANDS** this case for further proceedings consistent with this Order and Magistrate Judge Greenberg's R&R.

IT IS SO ORDERED.

Dated: May 6, 2024

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