

E-FILED
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Clerk, U.S. District Court, ILCD

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
ROCK ISLAND DIVISION

PAUL ECKERMANN,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 4:15-cv-04170-SLD-JEH

ORDER

Paul Eckermann filed this civil action pursuant to 42 U.S.C. § 405(g), seeking review of the Commissioner of Social Security's decision to deny his application for social security benefits. *See* Compl, ECF No. 1. The Court referred motions in the case to Magistrate Judge Hawley. *See* 28 U.S.C. § 636(b)(1). On May 5, 2016, Eckermann filed a Motion for Summary Judgment, ECF No. 10. The Commissioner filed a Motion for Summary Affirmance of the Commissioner's decision, ECF No. 14, on August 31, 2016. Judge Hawley issued a Report and Recommendation on December 12, 2016, recommending that the Court deny the Commissioner's motion and granting Eckermann's motion. ECF No. 17.

Neither party has objected to any portion of Judge Hawley's Report and Recommendation,¹ as they are entitled to do pursuant to Federal Rule of Civil Procedure 72(b). As the parties failed to present timely objections, any such objections have been waived. *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999) (citing *Video Views, Inc. v. Studio 21, Ltd.*, 797 F.2d 538, 539 (7th Cir. 1986)). The Court reviews the unobjected portions of the Magistrate Judge's recommendation for clear error. *See Johnson*, 170 F.3d at 739.

¹ Eckermann is represented by an attorney in this matter.

After reviewing the record, the Report and Recommendation, the parties' motions and memoranda, as well as the applicable law, the Court finds no clear error. Accordingly, the Court ADOPTS the Report and Recommendation, ECF No. 17, in its entirety. *See* Fed. R. Civ. P. 72(b). Defendant's Motion for Summary Affirmance, ECF No. 14, is DENIED and Plaintiff's Motion for Summary Judgment, ECF No. 10, is GRANTED. The Clerk is directed to enter an order remanding the case and the ALJ should reconsider the evidence in accordance with the Magistrate Judge's findings in his Report and Recommendation.

Entered March 3, 2017.

s/ Sara Darrow

SARA DARROW
UNITED STATES DISTRICT JUDGE