

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ROBERT J. STOUT, JR.,

Plaintiff,

v.

**MICHAEL ASTRUE,
Commissioner of Social Security,**

Defendant.

Case No. 09-0285-DRH

MEMORANDUM and ORDER

HERNDON, Chief Judge:

On April 13, 2009, Robert J. Stout, Jr., filed this action against the Commissioner of Social Security (Doc. 3). Specifically, Plaintiff seeks judicial review of the findings and determinations of the Commissioner denying his application for disability and disability insurance benefits, pursuant to **42 U.S.C. § 405**. On April 1, 2010, pursuant to **28 U.S.C. § 636(b)(1)(B)**, United States Magistrate Judge Philip M. Frazier submitted a Report and Recommendation (“the Report”) recommending that the Court grant remand this case to the Commissioner for further clarification with regard to the Administrative Law Judge’s finding of inconsistencies between Dr. Wong’s opinion and his treatment notes and the Administrative Law Judge’s failure to discuss Stout’s allegation that his medication caused drowsiness (Doc. 25).

The Report was sent to the parties with a notice informing them of their

right to appeal by way of filing “objections” by April 19, 2010. To date, none of the parties have filed objections, and the period in which to file objections has expired. Therefore, pursuant to **28 U.S.C. § 636(b)**, this Court need not conduct *de novo* review. ***Thomas v. Arn*, 474 U.S. 140, 149-52 (1985)**.

Thus, the Court **ADOPTS** the Report in its entirety (Doc. 25). The Court **REMANDS** this case to the Commissioner for further clarification with regard to the Administrative Law Judge’s finding of inconsistencies between Dr. Wong’s opinion and his treatment notes and the Administrative Law Judge’s failure to discuss Stout’s allegation that his medications caused drowsiness.

IT IS SO ORDERED.

Signed this 20th day of April, 2010.

/s/ David R. Herndon

**Chief Judge
United States District Court**