

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

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| MATTHEW A. GIROUX, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | CIVIL NO. 11-124-GPM |
| |) | |
| MICHAEL J. ASTRUE, Commissioner of |) | |
| Social Security, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM AND ORDER

MURPHY, District Judge:

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Clifford J. Proud (Doc. 20), recommending that this Court affirm the final decision of the Commissioner of Social Security to deny Plaintiff's application for disability benefits. The Report and Recommendation was entered on August 26, 2011. No timely objections have been filed.¹

Where timely objections are filed, this Court must undertake a *de novo* review of the Report and Recommendation. 28 U.S.C. § 636(b)(1)(B), (C); FED. R. CIV. P. 72(b); SDIL-LR 73.1(b); *Harper v. City of Chicago Heights*, 824 F. Supp. 786, 788 (N.D. Ill. 1993); *see also Govas v. Chalmers*, 965 F.2d 298, 301 (7th Cir. 1992). The Court "may accept, reject or modify the magistrate judge's recommended decision." *Harper*, 824 F. Supp. at 788. In making this determination, the Court must look at all of the evidence contained in the record and "give 'fresh consideration to those

¹The Court notes that Plaintiff is represented by counsel.

issues to which specific objections have been made.’’ *Id.*, quoting 12 Charles Alan Wright et al., *Federal Practice and Procedure* § 3076.8, at p. 55 (1st ed. 1973) (1992 Pocket Part).

However, where neither timely nor specific objections to the Report and Recommendation are made, pursuant to 28 U.S.C. § 636(b), this Court need not conduct a *de novo* review of the Report and Recommendation. See *Thomas v. Arn*, 474 U.S. 140 (1985). Therefore, the Court **ADOPTS** Magistrate Judge Proud’s Report and Recommendation (Doc. 20)² and **AFFIRMS** the final decision of the Commissioner of Social Security to deny Plaintiff’s application for disability benefits. The Clerk of Court is **DIRECTED** to enter judgment accordingly.

IT IS SO ORDERED.

DATED: 09/28/11

s/ *G. Patrick Murphy*

G. PATRICK MURPHY
United States District Judge

²While a *de novo* review is not required, the Court fully agrees with the findings, analysis, and conclusions of Magistrate Judge Proud.