

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA**

JOHN WRIGHT,)
)
Plaintiff,)
)
v.)
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

CAUSE NO.: 4:10-CV-35-TLS

ORDER

Plaintiff John Wright has appealed the final decision of the Commissioner of Social Security denying his application for disability insurance benefits. On January 11, 2011, the Court referred this matter to Magistrate Judge Andrew P. Rodovich for a report and recommendation.

On March 31, 2011, Magistrate Judge Rodovich filed his Report and Recommendation [ECF No. 35], recommending that the Commissioner’s final decision, which is predicated on the Administrative Law Judge’s (ALJ) determination, be affirmed in part and reversed in part and that the case be remanded for further proceedings. Judge Rodovich recommends the Court affirm the Commissioner’s decision with respect to the ALJ’s development of illiteracy in the record and remand this case to the Commissioner to determine whether the Plaintiff meets Listing 12.05 (mental retardation) and whether there was a period of time during which the Plaintiff ceased his substance abuse.

This Court’s review of Judge Rodovich’s Report and Recommendation is governed by 28 U.S.C. § 636(b)(1)(C), which provides in part:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate. The judge may also

receive further evidence or recommit the matter to the magistrate with instructions.

The statute requires objections to the magistrate judge's report and recommendation to be made within fourteen days of service of a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b) (setting forth procedures for objecting to a magistrate judge's report and recommendation and the district court's resolution of any objections). The Commissioner has not objected to the Report and Recommendation, and the time for making objections has now passed.

Having reviewed the Report and Recommendation prepared by Judge Rodovich, the Court ADOPTS the Report and Recommendation [ECF No. 35] in its entirety and ACCEPTS the recommended disposition. Accordingly, the decision of the Commissioner is AFFIRMED IN PART and REMANDED IN PART to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings in accordance with Magistrate Judge Rodovich's Report and Recommendation.

SO ORDERED on April 19, 2011.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT
FORT WAYNE DIVISION