

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

EDWARD BOYER,)
)
 Plaintiff,)
)
 v.)
)
 COMMISSIONER OF SOCIAL)
 SECURITY, sued as Carolyn)
 Colvin,)
)
 Defendant.)

CAUSE NO.: 4:13-CV-45-TLS

ORDER

This matter is before the Court on the Report and Recommendation [ECF No. 14] of United States Magistrate Judge John E. Martin, which was filed on August 26, 2014. The Plaintiff, Edward Boyer, filed a Complaint [ECF No. 1] and Memorandum of Plaintiff [ECF No. 11] asking the Court to remand this matter for further administrative proceedings and award benefits. In his Report and Recommendation, Judge Martin recommends that the Plaintiff's request to remand this matter for further administrative proceedings be granted but that the Plaintiff's request to award benefits be denied. Judge Martin also gave notice that within fourteen (14) days after being served with a copy of this recommended disposition, a party may serve and file specific, written objections to the proposed findings or recommendations.

A judge may refer a dispositive matter to a magistrate judge for a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), Federal Rule of Civil Procedure 72(b), and Northern District of Indiana Local Rule 72-1.

This Court's review of a magistrate's report and recommendation is governed by 28 U.S.C. § 636(b)(1), 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 or recommendations made by the magistrate. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.

The statute permits objections to the magistrate's report and recommendations 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's report and recommendation and the district court's resolution of any objections).

Because the parties have not filed any objections to the Magistrate Judge's Report, de novo review is not required. This Court finds that the Magistrate Judge has correctly resolved the issues raised by the Plaintiff's Complaint. Therefore, the Court ACCEPTS the Report and Recommendation [ECF No. 14] in its entirety for the reasons set forth in Judge Martin's analysis. The Court GRANTS the Plaintiff's request to remand this matter for further administrative proceedings and DENIES the Plaintiff's request to award benefits. The Court REVERSES the Commissioner's decision and REMANDS for further proceedings consistent with this Order.

SO ORDERED on September 16, 2014.

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