

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

BARBARAMARIE SUMMERS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	1:16-cv-02243-RLY-MPB
	)	
NANCY A. BERRYHILL Acting	)	
Commissioner of the Social Security	)	
Administration, <sup>1</sup>	)	
	)	
Defendant.	)	
	)	
	)	

**ORDER ADOPTING THE MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

Plaintiff, Barbaramarie Summers, filed this present action seeking judicial review of the Social Security Administration Commissioner's decision denying her Supplemental Security Income under Title XVI of the Social Security Act. (Filing No. 1). On April 13, 2017, the court referred the matter to Magistrate Judge Matthew P. Brookman pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b) for a Report and Recommendation. (Filing No. 29). On August 2, 2017, the Magistrate Judge filed his Report and Recommendation in which he recommended reversing the decision of the


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<sup>1</sup> At the time this case was filed, Carolyn W. Colvin was the Acting Commissioner of the Social Security Administration. Nancy A. Berryhill became the Acting Commissioner on January 20, 2017. When a public officer ceases to hold office while an action is pending, the officer's successor is automatically substituted as a party. Fed. R. Civ. P. 25(d). Later proceedings should be in the substituted party's name and the court may order substitution at any time. *Id.*

ALJ and remanding for further consideration. (Filing No. 31). Neither party has objected. Consequently, the court reviews the Report and Recommendation for clear error. *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). After reviewing the parties' arguments, the ALJ's decision, and the Report and Recommendation, this court is satisfied that the Magistrate Judge did not commit clear error.

Therefore, the court **ADOPTS** the Report and Recommendation (Filing No. 31), **REVERSES** the decision of the ALJ, and **REMANDS** for proceedings consistent with the Report and Recommendation, all pursuant to sentence four of 42 U.S.C. § 405(g).

**SO ORDERED** this 28th day of August 2017.

  
RICHARD L. YOUNG, JUDGE  
United States District Court  
Southern District of Indiana

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