IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

BARBARA A. SHUTTLEWORTH, Plaintiff, vs. NANCY A. BERRYHILL, Acting Commissioner of Social Security, Defendant.	No. 17-CV-34-LRR **ORDER**

The matter before the court is United States Chief Magistrate Judge C.J. Williams's Report and Recommendation (docket no. 16). The Report and Recommendation recommends that the court reverse and remand the final decision of Defendant Commissioner of Social Security ("Commissioner") denying Plaintiff Barbara A. Shuttleworth's application for Title II disability insurance benefits and Title XVI supplemental security income.

On April 13, 2017, Shuttleworth filed a Complaint (docket no. 3) requesting judicial review of the Commissioner's decision to deny her application for disability insurance benefits and supplemental security income. On June 22, 2017, the Commissioner filed an Answer (docket no. 8). The matter was briefed and, on November 2, 2017, was referred to Judge Williams for issuance of a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B). *See* Plaintiff's Brief (docket no. 12); Defendant's Brief (docket no. 13); Plaintiff's Reply (docket no. 15). On November 15, 2017, Judge Williams issued the Report and Recommendation. In the Report and Recommendation, Judge Williams advised the parties that they "must file objections to [the] Report and Recommendation within fourteen . . . days of the service of a copy of [the] Report and Recommendation." Report

and Recommendation at 14. Neither party has filed objections to the Report and Recommendation, and the time for doing so has passed.

Pursuant to statute, this court's standard of review for a magistrate judge's report and recommendation is as follows:

> A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or 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 judge.

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for de novo review of a magistrate judge's report and recommendation on dispositive motions when objections are made. Fed. R. Civ. P. 72(b)(3). The Eighth Circuit Court of Appeals has held that it is reversible error for a district court to fail to conduct a de novo review of a magistrate judge's report and recommendation when such review is required. *See, e.g.*, *United States v. Lothridge*, 324 F.3d 599, 600 (8th Cir. 2003). The court reviews the unobjected-to portions of the proposed findings or recommendations for "plain error." *See United States v. Rodriguez*, 484 F.3d 1006, 1010-11 (8th Cir. 2007) (noting that, where a party does not file objections to a magistrate's report and recommendation, the party waives the right to de novo review and the court will review the decision for plain error).

In this case, no objections have been filed, and it appears to the court upon review of Judge Williams's findings and conclusions that there is no ground to reject or modify them. Therefore, the court **ACCEPTS** Judge Williams's Report and Recommendation of November 15, 2017. Accordingly, the Report and Recommendation (docket no. 16) is **ADOPTED** and the final decision of the Commissioner is **REVERSED**. The matter is **REMANDED** to the Commissioner for further consideration consistent with the Report and Recommendation.

IT IS SO ORDERED.

DATED this 4th day of April, 2018.

LINDA R. READE, JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA