

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

ROBERT J. SULLIVAN,

Plaintiff,

Case Number 08-11649-BC  
Honorable Thomas L. Ludington

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING PLAINTIFF'S  
MOTION FOR SUMMARY JUDGMENT, AND GRANTING DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT**

This matter is before the Court on a report issued by Magistrate Judge R. Steven Whalen on May 11, 2009. The magistrate judge recommends denying Plaintiff's motion for summary judgment and granting Defendant's motion for summary judgment. As of today's date, no party has filed any objections to the magistrate judge's report and recommendation. The failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the reasoning and conclusion of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt # 13] is **ADOPTED**.

It is further **ORDERED** that Plaintiff's motion for summary judgment [Dkt. # 8] is **DENIED**, and that Defendant's motion for summary judgment [Dkt. # 11] is **GRANTED**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: June 2, 2009

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 2, 2009.

s/Tracy A. Jacobs  
TRACY A. JACOBS