

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DARRELL T EDWARDS,

Plaintiff,

Case No. 15-cv-11560

v

Honorable Thomas L. Ludington
Magistrate Judge Stephanie Dawkins Davis

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING THE REPORT AND RECOMMENDATION,
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT,
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT,
AND AFFIRMING THE DECISION OF THE COMMISSIONER**

Plaintiff Darrell T. Edwards filed an application for Supplemental Security Income on March 13, 2012, alleging a disability onset date of January 1, 2010. After his claim was initially denied Plaintiff timely requested an administrative hearing, which was held on November 19, 2013. On December 23, 2013 the ALJ issued a written decision finding that Plaintiff was not disabled under the Social Security Act. That decision became final when the Appeals Council denied Plaintiff's request for review. Plaintiff then appealed to this Court on April 30, 2015. *See* Compl., ECF No. 1.

Plaintiff Edwards filed a motion for summary judgment on July 15, 2016. ECF No. 14. Defendant Commissioner then filed a motion for summary judgment on September 9, 2016. ECF No. 16. On January 31, 2017, Magistrate Judge Stephanie Dawkins Davis issued a report and recommendation, concluding that the ALJ's determination that Edwards was not disabled was supported by substantial evidence. ECF No. 17. In so concluding, the magistrate judge found that substantial evidence supported the ALJ's finding that Plaintiff did not have a condition that

met or equaled Listing 12.04 (Affective Disorder). The magistrate judge therefore recommended that Plaintiff's motion for summary judgment be denied, Defendant Commissioner's motion for summary judgment be granted, and the decision of the ALJ be affirmed.

Although the magistrate judge's report explicitly stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections. The election not to file objections 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). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 17, is **ADOPTED**.

It is further **ORDERED** that Plaintiff Edwards's motion for summary judgment, ECF No. 14, is **DENIED**.

It is further **ORDERED** that Defendant Commissioner's motion for summary judgment, ECF No. 16, is **GRANTED**.

It is further **ORDERED** that the Commissioner's decision is **AFFIRMED**.

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

Dated: February 22, 2017

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 February 22, 2017.

s/Kelly Winslow for
MICHAEL A. SIAN, Case Manager