

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JILLIAN BORLAND,

Plaintiff,

Case No. 16-11392

v

Honorable Thomas L. Ludington
Magistrate Judge Stephanie Dawkins
Davis

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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

On April 18, 2016, Plaintiff filed the instant suit seeking judicial review of the Commissioner's unfavorable decision disallowing benefits. ECF No. 1. The Court referred this case to Magistrate Judge Stephanie Dawkins Davis for all pretrial purposes. ECF No. 4. The parties filed cross-motions for summary judgment. ECF Nos. 15, 19. On August 18, 2017, Judge Davis issued a report recommending that Plaintiff's Motion for Summary Judgment be denied, and that Defendant's Motion for Summary Judgment be granted. ECF No. 23. Specifically, Judge Davis found that the ALJ's assessment of Plaintiff's credibility was supported by substantial evidence, the ALJ's residual functional capacity assessment was supported by substantial evidence, and the ALJ adequately analyzed the opinion of Plaintiff's treating physician, Dr. Sandeep Sood. Rep. & Rec. at 14–22, ECF No. 23.

Although the magistrate judge's report explicitly states that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, neither party has 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. 23, is **ADOPTED**.

It is further **ORDERED** that Plaintiff's Motion for Summary Judgment, ECF No. 15, is **DENIED**.

It is further **ORDERED** that Defendant's Motion for Summary Judgment, ECF No. 19, is **GRANTED**

It is further **ORDERED** that the findings of the Commissioner are **AFFIRMED**.

It is further **ORDERED** that this case is **DISMISSED**.

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

Dated: September 13, 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 September 13, 2017.

s/Kelly Winslow
KELLY WINSLOW, Case Manager