UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

EDNA ADAMS,

Plaintiff,

Case No. 16-cv-11425

v.

Honorable Thomas L. Ludington
Magistrate Judge David R. Grand

SOCIAL SECURITY, COMMISSIONER OF,

Defendants.

_____/

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

On July 24, 2012, Edna Adams applied for disability insurance benefits under the Social Security Act. In proceedings before the Social Security Administration, the Administrative Law Judge found that Adams was not disabled. The Appeals Council denied review. On April 20, 2016, Adams filed a complaint seeking judicial review of the Commissioner's final decision. ECF No. 1. The case was referred to Magistrate Judge David R. Grand. ECF No. 3. On January 3, 2017, Adams filed a motion for summary judgment. ECF No. 19. On March 3, 2017, the Commissioner filed a motion for summary judgment. ECF No. 23. Several weeks later, Judge Grand issued a report recommending that the Commissioner's motion for summary judgment be granted and Adam's motion for summary judgment be denied. ECF No. 24. Judge Grand found that substantial evidence in the record supported the ALJ's assessments of Adam's medical ailments and the ALJ's allocation of little weight to the opinion of a consultative examining physician. Judge Grand further found that the ALJ did not give the Vocational Expert an

improper hypothetical while obtaining testimony regarding jobs Adams was capable of performing.

Although the Magistrate Judge's report explicitly stated that the parties to this action may 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. 24, is **ADOPTED**.

It is further **ORDERED** that Defendant Commissioner's motion for summary judgment, ECF No. 23, is **GRANTED.**

It is further **ORDERED** that Plaintiff Adam's motion for summary judgment, ECF No. 19, is **DENIED.**

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

Dated: May 9, 2017

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

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 May 9, 2017.

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