

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

SHANICE LOWERY,

Plaintiff,

Case. No. 17-12348

v.

Honorable Thomas L. Ludington
Magistrate Judge David R. Grand

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

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

Plaintiff Lowery filed applications for DIB and SSI on October 18, 2012. (Tr. 125). On May 9, 2014, ALJ Janet Alaga-Gadigian issued a written decision denying those applications. (Tr. 125-32). On November 28, 2014, the Appeals Council denied review. (Tr. 136-41). Lowery then filed new applications for DIB and SSI on January 20, 2015, alleging disability as of November 1, 2010. (Tr. 225-30). After Lowery's January 2015 applications for SSI and DIB were denied at the initial level on April 16, 2015 (Tr. 170-73, 180-83), she timely requested an administrative hearing, which was held on September 9, 2016, before ALJ Dawn Gruenburg (Tr. 54-78). On November 23, 2016, the ALJ issued a written decision finding that Lowery is not disabled under the Act. (Tr. 13-21). On June 30, 2017, the Appeals Council denied review. (Tr. 1-6). Lowery timely filed for judicial review of the final decision on July 19, 2017. ECF No. 1. The matter was referred to Magistrate Judge David Grand. ECF No. 3. The parties filed cross motions for summary judgment. ECF Nos. 12, 14.

On May 29, 2018, Judge Grand issued a report finding that the ALJ'S decision that Plaintiff is not disabled was supported by substantial evidence. ECF No. 16. Judge Grand recommended that the Court grant Defendant's motion for summary judgment, deny Plaintiff's motion for summary judgment, and affirm the decision of the Commissioner.

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. 16, is **ADOPTED**.

It is further **ORDERED** that Plaintiff's Motion for Summary Judgment, ECF No. 12, is **DENIED**.

It is further **ORDERED** that Defendant's Motion for Summary Judgment, ECF No. 14, 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: June 19, 2018

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 19, 2018.

s/Kelly Winslow
KELLY WINSLOW, Case Manager