

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ETHAN HOWARD,

Plaintiff,

Case. No. 18-10522

v.

Honorable Thomas L. Ludington
Magistrate Judge Anthony Patti

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**

On September 18, 2014, an application for supplemental security income (SSI) benefits was protectively filed on behalf of Plaintiff, then a minor, alleging disability beginning September 1, 2004. (R. at 147-52.) In his disability report, he alleges that he is disabled due to attention deficit hyperactivity disorder (ADHD), mood disorder and depression. (R. at 169.) His application was denied on February 18, 2015. (R. at 79.) On April 20, 2015, Plaintiff requested a hearing by an Administrative Law Judge ("ALJ"). (R. at 84.) On January 12, 2017, ALJ John Loughlin held a hearing, at which Plaintiff and his mother testified. (R. at 31-70.) ALJ Loughlin issued an opinion on March 14, 2017, which determined that Plaintiff was not disabled within the meaning of the Social Security Act. (R. at 15-27.) On April 18, 2017, Plaintiff submitted a request for review of the hearing decision/order. (R. at 144-146.) However, on December 11, 2017, the Appeals Council denied Plaintiff's request for review. (R. at 1-6.) Thus, ALJ Loughlin's decision became the Commissioner's final decision. Plaintiff timely commenced the instant action on February 13, 2018.

The matter was referred to Magistrate Judge Anthony Patti. ECF No. 2. The parties filed cross motions for summary judgment. ECF Nos. 19, 23. On August 14, 2019, Judge Patti issued a report, recommending that Plaintiff's motion for summary judgment be denied, that Defendant's motion for summary judgment be granted, and that the decision of the commissioner be affirmed. ECF No. 24.

Although the magistrate judge's report 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 timely filed any objections. Plaintiff filed a motion to extend time to file an objection after the fourteen day timeframe for objections had expired. ECF No. 25. Plaintiff's motion was denied. ECF No. 26. 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. *Id.*

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 24, is **ADOPTED**.

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

It is further **ORDERED** that Defendant's Motion for Summary Judgment, ECF No. 23, is **GRANTED**.

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

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

Dated: September 10, 2019