

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION**

ANNETTE JACKSON,

Plaintiff,

v.

Civil No. 08-12522

COMMISSIONER OF  
SOCIAL SECURITY,

DISTRICT JUDGE ARTHUR J. TARNOW  
MAGISTRATE JUDGE CHARLES E. BINDER

Defendant.

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**MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

This matter is before the undersigned Magistrate Judge pursuant to an Order of Reference filed June 13, 2008. (Dkt. 2.) Pursuant to the Court's Scheduling Order, Plaintiff filed her motion for summary judgment on November 13, 2008. (Dkt. 11.) Defendant's motion has not yet been filed. On January 12, 2009 both parties submitted a stipulation to remand the case for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g) to allow the Administrative Law Judge to consider Plaintiff's mental impairment under 20 C.F.R. § 404.1520a and 416.920a, and to reconsider Plaintiff's residual functional capacity.

Accordingly, **IT IS RECOMMENDED** that, pursuant to the parties' stipulation, the Commissioner's decision be **REVERSED** and the case **REMANDED** to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

The parties to this action may object to and seek review of this Report and Recommendation within ten (10) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985); *Howard v. Sec'y of Health & Human Servs.*,

932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). The parties are advised that making some objections, but failing to raise others, will not preserve all the objections a party may have to this Report and Recommendation. *Willis v. Sec'y of Health & Human Servs.*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n. of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge. Within ten (10) days of service of any objecting party's timely filed objections, the opposing party may file a response. The response shall be concise, but commensurate in detail with the objections, and shall address specifically, and in the same order raised, each issue contained within the objections.

s/ Charles E Binder

CHARLES E. BINDER  
United States Magistrate Judge

Dated: January 14, 2009

### **CERTIFICATION**

I hereby certify that this Report and Recommendation was electronically filed this date, electronically served on Mikel Lupisella, Fancis Zebot, and on District Judge Tarnow in the traditional manner.

Date: January 14, 2009

By s/Patricia T. Morris  
Law Clerk to Magistrate Judge Binder