

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LINZIE L. SMITH,

Plaintiff,

Case No. 08-12858  
Hon. Marianne O. Battani

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Linzie L. Smith brings this action challenging the final decision of the Commissioner denying his application for Social Security disability insurance benefits. The case was referred to Magistrate Judge Donald A. Scheer pursuant to 28 U.S.C. § 636(b)(1). Both parties filed dispositive motions, and in a Report and Recommendation ("R&R") dated February 13, 2009, Magistrate Judge Scheer recommended that Plaintiff's Motion for Summary Judgment be denied and that Defendant's Motion for Summary Judgment be granted.

In his Report and Recommendation, the Magistrate Judge informed the parties that objections to the R&R needed to be filed within "ten (10) days of service" and that a party's failure to file objections would waive any further right of appeal. R&R at 7-8. Neither party filed an objection.

Because no objection has been filed in this case, the parties waived their right to *de novo* review and appeal. Accordingly, the Court **ADOPTS** the Magistrate Judge's recommendation, **DENIES** Plaintiff's Motion for Summary Judgment, and **GRANTS**

Defendant's Motion for Summary Judgment. Plaintiff's Complaint is **DISMISSED** in its entirety.

**IT IS SO ORDERED.**

s/Marianne O. Battani  
MARIANNE O. BATTANI  
UNITED STATES DISTRICT JUDGE

DATE: March 11, 2009

**CERTIFICATE OF SERVICE**

A copy of this Order was e-filed and/or mailed to counsel of record on this date.

s/Bernadette M. Thebolt  
Deputy Clerk