

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FREDDIE J. YOUNG,

PLAINTIFF,

v.

CASE NO. 08-14475

COMMISSIONER OF SOCIAL SECURITY,

HONORABLE SEAN F. COX

DEFENDANT.

ORDER

ACCEPTING AND ADOPTING REPORT & RECOMMENDATION

Plaintiff brought this action under 42 U.S.C. §405(g) challenging a final decision of Defendant Commissioner denying his application for benefits. Thereafter, both parties filed cross-motions for summary judgment, which were referred to Magistrate Judge Mark A. Randon pursuant to 28 U.S.C. §636(b)(1)(B) & (C).

On November 3, 2009, Magistrate Judge Randon issued his R&R which recommends that: 1) Defendant's Motion for Summary Judgment be denied; 2) Plaintiff's Motion for Summary Judgment be granted; and 3) that this matter be remanded for further proceedings.

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within ten (10) days after being served with a copy of the R&R. "The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made." *Id.*

The time for filing objections to the R&R has expired and the docket reflects that neither party has filed objections to the R&R.

The Court hereby ADOPTS the November 3, 2009 R&R in its entirety. IT IS ORDERED that Defendant's Motion for Summary Judgment is DENIED, that Plaintiff's Motion for Summary Judgment is GRANTED, and that this matter is REMANDED for further proceedings addressing whether the treating physicians' opinion should be given controlling weight and, if not, the reasons for the weight given.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: December 2, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 2, 2009, by electronic and/or ordinary mail.

S/Jennifer Hernandez
Case Manager