

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TAMMY LOUISE TIMM,

Plaintiff,

vs.

Case No. 10-CV-10594
HON. GEORGE CARAM STEEH

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

_____ /

ORDER ACCEPTING REPORT AND RECOMMENDATION (#12),
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (# 8),
AND GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (# 11)

This matter is before the court on the parties' cross-motions for summary judgment as to plaintiff Tammy Louise Timm's claim for judicial review of defendant Commissioner of Social Security's finding that she was not entitled to a period of disability, and denial of her January 19, 2007 application for disability insurance benefits. The matter was referred to Magistrate Judge Mona Majzoub. On February 14, 2011, Magistrate Judge Majzoub issued a Report and Recommendation recommending that plaintiff's motion for summary judgment be denied, that defendant's motion for summary judgment be granted, and that the complaint be dismissed.

Plaintiff's only argument on appeal is that the ALJ erred at step three of the sequential evaluation in failing to conclude that plaintiff meets or equals Listing 1.04A. The ALJ concluded that plaintiff's impairments did not meet or medically equal a listed impairment at step three, and Magistrate Judge Majzoub found that the ALJ's decision at

step three was supported by substantial evidence. Plaintiff did not file timely objections to the Report and Recommendation. See 28 U.S.C. § 636(b)(1); E.D. Mich. L.R. 72.1(d)(2).

Having reviewed the record and Report and Recommendation, and in the absence of timely objections, the court hereby ACCEPTS Magistrate Judge Majzoub's well reasoned Report and Recommendation as its own. Plaintiff's motion for summary judgment is hereby DENIED, and defendant's motion for summary judgment is hereby GRANTED. Plaintiff's complaint is dismissed in its entirety.

SO ORDERED.

Dated: March 8, 2011

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 8, 2011, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk