

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RONNIE BURTON,

Plaintiff,

v.

Case No. 10-CV-14040
HON. GEORGE CARAM STEEH

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

_____/

ORDER ACCEPTING REPORT AND RECOMMENDATION (#18)
AND GRANTING DEFENDANT'S MOTION TO DISMISS (#14)

On October 8, 2010, plaintiff filed a complaint for judicial review following an adverse decision of the Commissioner of Social Security. The matter was referred to Magistrate Judge Randon. Defendant filed a motion to dismiss. On February 25, 2011, Magistrate Judge Randon issued a Report and Recommendation on the motion to dismiss. In his Report, Magistrate Judge Randon recommends defendant's motion to dismiss be granted and the case be dismissed because plaintiff's action is barred by the statute of limitations. On March 10, 2011, plaintiff filed objections to the Report and Recommendation. In his objections, plaintiff argues his action was timely filed or should be considered timely filed because holidays and weekends should not count in the calculation of the 60-day period for filing an action. However, as discussed in the Report, holidays and weekends are included in the calculation of the 60-day time period. Plaintiff was also provided another five days for service by mail, resulting in 65 days to file his action. Plaintiff has provided no valid reason to consider his action – filed more than two weeks late – timely. Plaintiff

also appears to dispute Magistrate Judge Randon's denial of plaintiff's requests for documents. Because plaintiff's action is barred by the applicable statute of limitations, the action is dismissed and plaintiff's arguments regarding documents are moot. The court finds Magistrate Judge Randon's Report and Recommendation is well-reasoned and the court adopts it in its entirety.

For the reasons stated above, the court hereby ACCEPTS and ADOPTS Magistrate Judge Randon's Report and Recommendation as its findings and conclusions in this matter. Defendant's motion to dismiss is GRANTED and the case is DISMISSED.

SO ORDERED.

Dated: August 31, 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 August 31, 2011, by electronic and/or ordinary mail and upon Ronnie Burton at 13026 E. Houston Whittier, Apt. B - #7, Detroit, MI, 48205.

s/Marcia Beauchemin
Deputy Clerk