

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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TODD MCMURRAY,

Plaintiff,

v.

Case No. 13-10496

CAROLYN W. COLVIN, Acting Commissioner  
of Social Security,

Defendant.

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**ORDER FOR SUPPLEMENTAL BRIEFING**

In this review of the Magistrate Judge’s Report and Recommendation (“R&R”), Plaintiff presents two objections, both alleging that the Magistrate Judge “engaged in impermissible post-hoc analysis.” Although the court has not yet delved deeply into the substance of his objections, Plaintiff cites apparently relevant authority in support of his argument.

The R&R explains that in the event of objections to the Report, “the non-objecting party must file a response . . . specifically addressing each issue raised . . . .” (See Pg ID # 610.) But Defendant’s response states only that she “incorporates by reference . . . the arguments raised in her Motion for Summary Judgment.” (See Pg ID # 619.) The court wonders where in her Motion for Summary Judgment, which preceded the R&R, there might be an argument addressing the claim that the Magistrate Judge would subsequently engage in impermissible post-hoc analysis. More than boilerplate is required here, perhaps not much more, but at least an effort. Accordingly,

**IT IS ORDERED** that Defendant shall file a response that addresses Plaintiff's Objections not later than **February 28, 2014**. In the absence of a relevant response, the court may deem Plaintiff's Objections conceded, and a remand under Sentence Four, as sought by Plaintiff, may result.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: February 19, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 19, 2014, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522