

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LINDA DYGERT,

Plaintiff,

Case No. 13-11317

v.

Honorable Patrick J. Duggan

COMMISSIONER OF  
SOCIAL SECURITY,

Magistrate Judge Laurie J. Michelson

Defendant.

**OPINION AND ORDER**

On March 25, 2013, Plaintiff Linda Dygart filed this lawsuit challenging a final decision of the Commissioner of Social Security denying Plaintiff's application for social security disability benefits. The following day, this Court referred the lawsuit to Magistrate Judge Laurie J. Michelson for all pretrial matters proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation ("R&R") on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 2.) The parties subsequently filed cross-motions for summary judgment. (ECF Nos. 9, 10.) On January 3, 2014, Magistrate Judge Michelson issued an R&R recommending that this Court grant Defendant's motion and deny Plaintiff's motion. (ECF No. 11.)

In her R&R, Magistrate Judge Michelson concludes that there was substantial evidence in the record to support the Administrative Law Judge's determination that Plaintiff "was not under a 'disability' as that term is used in the Social Security Act." (R&R 1.) At the conclusion of the R&R, Magistrate Judge Michelson advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at 20.) She further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.*) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Michelson. The Court therefore adopts Magistrate Judge Michelson's January 3, 2014 Report and Recommendation.

Accordingly,

**IT IS ORDERED** that Plaintiff's motion for summary judgment is **DENIED**;

**IT IS FURTHER ORDERED** that Defendant's motion for summary judgment is **GRANTED**.

Dated: March 13, 2014

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:  
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