

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DUSTIN J. JAMES-WETHERHULT,

Plaintiff,

Civil Action No. 13-CV-11992

v.

Honorable Patrick J. Duggan

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION, GRANTING DEFENDANT'S MOTION FOR SUMMARY  
JUDGMENT, and DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

On May 4, 2013, Plaintiff filed this lawsuit challenging the final decision of the Commissioner denying Plaintiff's application for supplemental security income. On August 29, 2013, Plaintiff filed a motion for summary judgment. On November 8, 2013, Defendant filed a motion for summary judgment. The Court referred both motions to Magistrate Judge Charles E. Binder for all pretrial proceedings.

On April 9, 2014, Magistrate Judge Binder issued a Report and Recommendation (R&R) recommending that the Court deny Plaintiff's motion for summary judgment and grant Defendant's motion for summary judgment. At the conclusion of the R&R, Magistrate Judge Binder advises the parties that they may object and seek review of the R&R within 14 days of service upon them. R&R at 16. He further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." *Id.* Neither party has filed objections to the R&R, and the time to do so has expired.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by the Magistrate Judge. The Court therefore adopts the Magistrate Judge's R&R. 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: May 5, 2014

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE