

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GARRY SWEENEY,

Plaintiff,

Case No. 13-cv-12761
Hon. Matthew F. Leitman

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION (ECF #14),
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
(ECF #12), AND DENYING PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT (ECF #9)**

On August 14, 2014, Magistrate Judge Michael Hluchaniuk issued a Report and Recommendation (the "R&R") recommending that the Court deny Plaintiff Garry Sweeney's Motion for Summary Judgment (ECF #9) and grant the Defendant Commissioner of Social Security's Motion for Summary Judgment (ECF #12). (*See* ECF #14.) The R&R stated that the parties could object to and seek review of the recommendation within fourteen days. (*See id.* at 32-33 Pg. ID 376-377.)

Neither party has objected to the R&R. Failure to file objections to the R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers*

Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the Magistrate Judge's R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). The Court has nevertheless reviewed the R&R and agrees with the findings and conclusions of the Magistrate Judge.

Therefore, **IT IS HEREBY ORDERED** that the Magistrate Judge's August 14, 2014, R&R (ECF #14) is **ADOPTED** as the Opinion of this Court. **IT IS FURTHER ORDERED**, for the reasons stated in the R&R, that Plaintiff's November 4, 2013, Motion for Summary Judgment (ECF #9) is **DENIED**, and that Defendant's February 28, 2014, Motion for Summary Judgment (ECF #12) is **GRANTED**.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: September 4, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 4, 2014, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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