

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM SNELL,

Plaintiff,

v.

Case No. 14-13661
Hon. Denise Page Hood

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ACCEPTING IN PART AND REJECTING IN PART
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND
DENYING DEFENDANT'S MOTION TO DISMISS

This matter is before the Court on Magistrate Judge R. Steven Whalen's Report and Recommendation denying the Defendant Commissioner of Social Security's Motion to Dismiss. [Doc. No. 12, filed March 25, 2015] To date, no Objections have been filed to the R&R and the time to file such has passed.

The Commissioner seeks to dismiss the action based on Plaintiff William Snell's failure to submit a Motion for Summary Judgment as ordered by the Magistrate Judge. The Magistrate Judge recommended denial of the motion, but that Plaintiff be sanctioned \$500.00 for failure to comply with the Magistrate Judge's scheduling order. On the same date as the Report and Recommendation,

the Magistrate Judge granted Plaintiff's Motion for Extension of Time to File a Motion for Summary Judgment. Both parties have now submitted their briefs.

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusion that this action should not be dismissed. As to the Magistrate Judge's recommendation on sanctions, it is noted that this case, along with other cases where the same plaintiff's counsel was the attorney of record, was brought before a three-judge panel reviewing certain matters. The panel has now returned the cases back to the assigned judges. At this time, the Court declines to issue sanctions against Plaintiff's counsel in this case.

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge r. Steven Whalen [**Doc. No. 12**] is **ACCEPTED** as to the recommendation to deny Defendant Commissioner of Social Security's Motion to Dismiss and **REJECTED** as to the recommendation to issue sanctions against Plaintiff's Counsel.

IT IS FURTHER ORDERED that Defendant Commissioner of Social Security's Motion to Dismiss [**Doc. No. 9**] is **DENIED**.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: December 9, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 9, 2015, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager