UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENNIS SPITERI, Plaintiff, v. COMMISSIONER OF SOCIAL SECURITY, Defendant.	Case No. 14-cv-14140 Honorable Laurie J. Michelson Magistrate Judge Elizabeth A. Stafford

ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [15] AND GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT [17]

Before the Court is Magistrate Judge Elizabeth A. Stafford's Report and Recommendation. (Dkt. 18.) At the conclusion of her Report and Recommendation, Magistrate Judge Stafford notified the parties that they were required to file any objections within fourteen days of service, as provided in Federal Rule of Civil Procedure 72(b)(2) and Eastern District of Michigan Local Rule 72.1(d), and that "[f]ailure to file specific objections constitutes a waiver of any further right of appeal." (Report & Recommendation at 12.) No objections were filed.

In *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981), the Sixth Circuit established a rule of procedural default, holding that "a party shall file objections with the district court or else waive right to appeal" and that "a party shall be informed by the magistrate [judge] that objections must be filed within ten days or further appeal is waived." In *Thomas v. Arn*, 474 U.S. 140, 144 (1985), the Supreme Court held that this rule violates neither the Federal Magistrates Act nor the federal constitution. Thus, the Court finds that the parties' failure to object is a procedural default, waiving review of the magistrate judge's findings by this Court. *See Thomas*, 474 U.S. at 149 (explaining that Sixth Circuit's waiver-of-appellate-review rule

rested on the assumption "that the failure to object may constitute a procedural default waiving review even at the district court level"); *Garrison v. Equifax Info. Servs., LLC*, No. 10-13990, 2012 WL 1278044, at *8 (E.D. Mich. Apr. 16, 2012) ("The Court is not obligated to review the portions of the report to which no objection was made." (*citing Thomas*, 474 U.S. at 149–52)).

The Court therefore finds that the parties have waived further review of the Report and accepts the Magistrate Judge's recommended disposition. It follows that Plaintiff's Motion for Summary Judgment (Dkt. 15) is DENIED and Defendant's Motion for Summary Judgment (Dkt. 17) is GRANTED.

SO ORDERED.

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE

Dated: December 11, 2015

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served on the attorneys and/or parties of record by electronic means or U.S. Mail on December 11, 2015.

s/Jane Johnson
Case Manager to
Honorable Laurie J. Michelson