

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOHN HOGSTON,

Plaintiff,

Case No. 14-14458

v.

HONORABLE AVERN COHN

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**MEMORANDUM AND ORDER**  
**ADOPTING REPORT AND RECOMMENDATION (Doc. 33)**  
**AND**  
**DENYING PLAINTIFF'S MOTION FOR REMAND (Doc. 26)**

I.

This is a Social Security case. Plaintiff John Hogston appeals from the final determination of the Commissioner of Social Security (Commissioner) that he is not disabled and therefore not entitled to disability insurance benefits or supplemental security income. The matter was referred to a magistrate judge for all pretrial proceedings. (Doc. 3). Plaintiff and the Commissioner filed cross motions for summary judgment. See Docs. 16, 18, 19, 23. Plaintiff also filed a motion for remand (Doc. 26).

On June 25 2015, the magistrate judge issued a report and recommendation (MJRR), recommending that plaintiff's motion for remand be denied. (Doc. 33).

II.

Neither party has filed objections to the MJRR and the time for filing objections has passed. The failure to file objections to the report and recommendation waives any

further right to appeal. Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir.1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985).

However, the Court has reviewed the MJRR and agrees with the magistrate judge. That is, plaintiff did not present new and material evidence which would require a remand. Accordingly, the findings and conclusions of the magistrate judge are ADOPTED as the findings and conclusions of the Court. Plaintiff's motion for remand is DENIED.

The parties' cross motions for summary judgment continue before the magistrate judge.

SO ORDERED.

Dated: July 21, 2015  
Detroit, Michigan

S/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE