

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VICTORIA GARZA,

Plaintiff,

Case No. 2:15-cv-11507

v.

HONORABLE STEPHEN J. MURPHY, III

COMMISSIONER OF SOCIAL
SECURITY,Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION
(document no. 16), **DENYING DEFENDANT'S MOTION FOR SUMMARY**
JUDGMENT (document no. 15), **AND GRANTING IN PART AND DENYING**
IN PART PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (document no. 13)

Plaintiff Victoria Garza seeks reversal of the Social Security Administration's determination against awarding her disability benefits. Compl., ECF No. 1. The parties filed cross-motions for summary judgment. ECF Nos. 13, 15. The Magistrate Judge issued a Report and Recommendation, and found that the Administrative Law Judge (ALJ) did not properly consider the evidence under the relevant determination framework. Report 7–14, ECF No. 16. Garza asks the Court for an award of benefits or remand to the ALJ for further proceedings. The Report recommended remand rather than an immediate award of benefits. *Id.* at 14.

Under Civil Rule 72(b), each party had fourteen days from the date of service to file any written objections to the recommended disposition. Neither party has filed any objections. De novo review of the magistrate judge's findings is therefore not required. See Fed. R. Civ. P. 72(b)(2)–(3) (mandating de novo review only if the parties “serve and file specific written objections to the proposed findings and recommendations”). The Court has carefully reviewed the entire file and the Report, and finds that the magistrate judge's

analysis is proper. Accordingly, the Court adopts the Report's findings and conclusions, and agrees with the Report that remand is proper. The Court will enter an appropriate judgment.

ORDER

WHEREFORE, it is hereby **ORDERED** that the Report and Recommendation (document no. 16) is **ADOPTED**.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment (document no. 15) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (document no. 13) is **GRANTED IN PART AND DENIED IN PART**.

IT IS FURTHER ORDERED that the case be **REMANDED** to the Administrative Law Judge for further proceedings consistent with the Report and Recommendation.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: February 19, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 19, 2016, by electronic and/or ordinary mail.

s/Carol Cohron
Case Manager