

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Anthony J. Simkins,

Plaintiff,

v.

Commissioner of Social Security,

Defendant.

Case No. 15-12731

Honorable Sean F. Cox

Magistrate Judge R. Steven Whalen

ORDER ACCEPTING AND ADOPTING REPORT & RECOMMENDATION

This is a social security appeal. On July 27, 2015, Plaintiff Anthony J. Simkins filed his Complaint against the Commissioner of Social Security, appealing an Administrative Law Judge's denial of his application for disability benefits. (Doc. #1).

Sometime thereafter, the parties filed cross-motions for summary judgment. The motions were referred to Magistrate Judge R. Steven Whalen for issuance of a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B)

On May 18, 2017, Magistrate Judge Whalen issued a Report and Recommendation ("R&R") wherein he recommended that this Court DENY Defendant's Motion for Summary Judgment, GRANT Plaintiff's Motion for Summary Judgment, and REMAND this case to the administrative level for further administrative proceedings. (R&R, Doc. # 29).

Pursuant to Civil Rule 72, a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. Fed. R. Civ. P. 72(b)(2). "The district judge must determine *de novo* any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3).

Neither party has filed objections to the R&R and the time for doing so has passed.

Furthermore, the Court agrees with the Magistrate Judge's recommendation. Therefore, the Court hereby ADOPTS the May 18, 2017 R&R.

IT IS ORDERED that Plaintiff's Motion for Summary Judgment (Doc. # 24) is **GRANTED**, Defendant's Motion for Summary Judgment (Doc. # 27) is **DENIED**. Accordingly, this case is **REMANDED** to the administrative level for further administrative proceedings.

IT IS SO ORDERED.

s/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: June 6, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 6, 2017, by electronic and/or ordinary mail.

s/Jennifer McCoy
Case Manager