

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AUDREY C. KINDLE,

Plaintiff,

Case No. 2:15-cv-14373

v.

HONORABLE STEPHEN J. MURPHY, III

COMMISSIONER OF SOCIAL SECURITY,

MAGISTRATE R. STEVEN WHALEN

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION [16],
GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [12],
AND DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT [15]**

The Commissioner of the Social Security Administration ("SSA") denied Audrey Kindle's application for Supplemental Security Income and Disability Insurance Benefits in a decision issued by an Administrative Law Judge ("ALJ"). The SSA Appeals Council declined to review the ruling, and Kindle appealed. The Court referred the matter to the magistrate judge and the parties filed cross-motions for summary judgment. The magistrate judge issued a Report and Recommendation ("Report") suggesting the Court grant Kindle's motion, deny the Commissioner's motion, and remand the case for further proceedings consistent with the Report.

Civil Rule 72(b) governs review of a magistrate judge's report and recommendation. De novo review of the magistrate judge's findings is only required if the parties "serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). Because neither party filed timely objections, de novo review of the Report's conclusions is not required. Having examined the record, the Court finds that the magistrate judge's conclusions are factually based and legally sound.

Accordingly, it is hereby **ORDERED** that the magistrate judge's Report and

Recommendation [16] is **ADOPTED**, Kindle's Motion for Summary Judgment [12] is **GRANTED**, the Commissioner's Motion for Summary Judgment [15] is **DENIED**, and the case is **REMANDED** for further proceedings consistent with the Report.

SO ORDERED.

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

Dated: March 6, 2017

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

s/David P. Parker
Case Manager