

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BERNADETTE WADE,

Plaintiff,

v.

NANCY A. BERRYHILL, ACTING
COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

Defendant.

Case No. 16-10042

SENIOR U.S. DISTRICT JUDGE
ARTHUR J. TARNOW

U.S. MAGISTRATE JUDGE
ELIZABETH A. STAFFORD

**ORDER ADOPTING REPORT AND RECOMMENDATION [18]; GRANTING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT [17]; DENYING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT [15]; OVERRULING PLAINTIFF'S OBJECTION
[21]**

On January 30, 2017 the Magistrate issued a Report and Recommendation (R&R) [18], recommending that Defendant's Motion for Summary Judgment [17] be granted and Plaintiff's Motion for Summary Judgment [15] be denied. Defendant filed objections on February 14, 2017 [21] and Plaintiff responded to the objections on February 21, 2017 [22]. For the reasons stated below, the Court **ADOPTS** the Magistrate's Report and Recommendation [18]. Plaintiff's

objections [21] are overruled. Defendant's Motion for Summary Judgment [17] is **GRANTED** and Plaintiff's Motion for Summary Judgment [15] is **DENIED**.

This Court reviews objections to an R&R on a dispositive motion *de novo*. See 28 U.S.C. § 636(b)(1)(c). Judicial review of a decision by an Administrative Law Judge ("ALJ") is limited to determining whether the factual findings are supported by substantial evidence and whether the ALJ employed the proper legal standards. *Richardson v. Perales*, 402 U.S. 389, 401 (1971). The ALJ's factual findings "are conclusive if supported by substantial evidence." *Maziarz v. Sec'y of Health & Human Servs.*, 837 F.2d 240, 243 (6th Cir. 1987). "Substantial evidence is defined as more than a scintilla of evidence but less than a preponderance; it is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Rogers v. Comm'r of Soc. Sec.*, 486 F.3d 234, 241 (6th Cir. 2007). The substantial evidence standard "does not permit a selective reading of the record," as the reviewing court's assessment of the evidence supporting the ALJ's findings "must take into account whatever in the record fairly detracts from its weight." *Garner v. Heckler*, 745 F.2d 383, 388 (6th Cir. 1984).

Plaintiff's objections to the Report and Recommendation [21] merely refer back to the substance of her Motion for Summary Judgment [21]. These arguments were already briefed and considered by the Defendant's Motion for Summary

Judgment [17] and the Magistrate’s Report and Recommendation [18]. Objections are meant to identify specific errors in the Magistrate’s report and not restate previous arguments already considered. *Davis v. Caruso*, No. 07-10115, 2008 WL 540818, at *2 (E.D. Mich. Feb. 25, 2008) (denying an objection to an R&R where Plaintiff “merely rehashe[d] his arguments.”). Additionally, “the Court is not obligated to address an objection made in this form, because the objection failed to identify the specific errors the MJ's recommendations.” *Hogston v. Colvin*, No. 14-14458, 2016 WL 878329, at *5 (E.D. Mich. Mar. 8, 2016); *see also Howard v. Sec’y of Health & Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991); Fed. R. Civ. P. 72(b)(2). As Plaintiff has not filed specific written objections to the Magistrate Judge’s Report and Recommendation, the Court need not and will not analyze his objections and the Objections [21] are **OVERRULED**.

The Court having reviewed the record, the Report and Recommendation [18] Denying Plaintiff’s Motion for Summary Judgment and Granting Defendant’s Motion for Summary Judgment is hereby **ADOPTED** and entered as the findings and conclusions of the Court. Accordingly,

IT IS ORDERED that the Magistrate’s Report and Recommendation [18] is **ADOPTED** and entered as the findings and conclusions of the Court.

IT IS FURTHER ORDERED that Plaintiff's objections [21] are
OVERRULED.

IT IS FURTHER ORDERED that Defendant's Motion for Summary
Judgment [17] is **GRANTED** and Plaintiff's Motion for Summary Judgment [15]
is **DENIED.**

SO ORDERED.

Dated: March 3, 2017

s/Arthur J. Tarnow
Arthur J. Tarnow
Senior United States District Judge