

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

AUSTIN MENSER,

Plaintiff,

Case No. 2:16-cv-11787

v.

HONORABLE STEPHEN J. MURPHY, III

COMMISSIONER of SOCIAL SECURITY, MAGISTRATE PATRICIA T. MORRIS

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION [23],  
GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [16],  
AND DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT [22]**

The Commissioner of the Social Security Administration (SSA) denied Plaintiff Austin Menser'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 Menser appealed. The Court referred the matter to the magistrate judge and the parties filed cross-motions for summary judgment. See ECF 16, 22. The magistrate judge issued a Report and Recommendation suggesting the Court grant Menser's motion, deny the Commissioner's motion, and remand the case. Neither party objected.

Federal Rule of Civil Procedure 72(b) governs review of a magistrate judge's report and recommendation. The Court must review the magistrate's judge's findings de novo 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 [23] is **ADOPTED**, Menser's Motion for Summary Judgment [16] is **GRANTED**, the Commissioner's Motion for Summary Judgment [22] is **DENIED**, and the case is **REMANDED** for further proceedings under Sentence Four of 42 U.S.C. § 405(g).

**SO ORDERED.**

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

Dated: June 14, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 14, 2017, by electronic and/or ordinary mail.

s/David P. Parker  
Case Manager