

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENISE K. HOUTTEKIER,

Plaintiff,

v.

Civil Case No: 16-13231
Honorable David M. Lawson
Magistrate Judge David R. Grand

ACTING COMMISSIONER
CAROLYN W. COLVIN,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, GRANTING IN PART
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, AND REMANDING FOR
FURTHER ADMINISTRATIVE PROCEEDINGS**

Presently before the Court is the report issued on June 12, 2017 by Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636(b), recommending that the Court deny the defendant's motion for summary judgment, grant in part the plaintiff's motion for summary judgment, and remand the case for further proceedings. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #21] is **ADOPTED**.

It is further **ORDERED** that the defendant's motion for summary judgment [dkt. #19] is **DENIED**.

It is further **ORDERED** that the plaintiff's motion for summary judgment [dkt. #16] is **GRANTED IN PART** to the extent it seeks remand. The motion is denied in all other respects.

It is further **ORDERED** that the matter is **REMANDED** to the Commission for further administrative proceedings.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: June 28, 2017

<u>PROOF OF SERVICE</u>
The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 28, 2017.
<u>s/Susan Pinkowski</u> SUSAN PINKOWSKI