

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JORDAN KUSHNER,

Plaintiff,

Case No. 17-cv-10072

v.

UNITED STATES DISTRICT COURT JUDGE  
GERSHWIN A. DRAIN

COMMISSIONER OF SOCIAL  
SECURITY,

UNITED STATES MAGISTRATE JUDGE  
R. STEVEN WHALEN

Defendant.

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**ORDER ACCEPTING AND ADOPTING REPORT AND  
RECOMMENDATION [#26], DENYING DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT [#25], STAYING PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT [#21], AND REMANDING THE CASE FOR  
FURTHER PROCEEDINGS**

This matter is before the Court on Plaintiff's and Defendant's cross-motions for summary judgment. Dkt. No. 21; Dkt. No. 25. The Court referred this matter to Magistrate Judge R. Steven Whalen, who issued a Report and Recommendation on December 17, 2018, denying Defendant's Motion, staying Plaintiff's Motion, and remanding the case for further proceedings. Dkt. No. 26. Neither party has filed an objection to the Magistrate Judge's Report and Recommendation, and the time for doing so has expired. *See* 28 U.S.C. § 636(b)(1)(C) ("Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by the

rules of the court.”). Upon review of the parties’ briefs and the Magistrate Judge’s Report and Recommendation, the Court concludes that the Magistrate reached the correct conclusion.

Accordingly, the Court ACCEPTS and ADOPTS Magistrate Judge Whalen’s December 17, 2018 Report and Recommendation [#26] as this Court’s findings of fact and conclusions of law. Defendant’s Motion for Summary Judgment [#25] is hereby DENIED, Plaintiff’s Motion for Summary Judgment [#21] is STAYED, and the case will be remanded for further proceedings under the sixth sentence of 42 U.S.C. §405(g).

IT IS SO ORDERED.

Dated: January 9, 2019

s/Gershwin A. Drain  
HON. GERSHWIN A. DRAIN  
United States District Court Judge

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, January 9, 2019, by electronic and/or ordinary mail.

s/Teresa McGovern  
Case Manager