UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EUNICE JOHNSON,

Plaintiff,

Case No. 17-cv-10452
Hon. Matthew F. Leitman

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.
_____/

ORDER (1) DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (ECF #16); (2) GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (ECF #15); AND (3) REMANDING FOR FURTHER PROCEEDINGS

In this action, Plaintiff Eunice Johnson ("Plaintiff") challenges the denial of her application for Social Security Income under the Social Security Act. (*See* Compl., ECF #1.) Plaintiff and the Commissioner of Social Security ("Defendant") have now filed cross-motions for summary judgment. (*See* ECF ## 15, 16.)

On December 21, 2017, the assigned Magistrate Judge issued a Report and Recommendation recommending that (1) the Court deny Defendant's motion and (2) grant Plaintiff's motion to the extent it seeks remand and deny Plaintiff's motion to the extent it seeks an award of benefits (the "R&R"). (*See* ECF #18.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted

to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.* at Pg. ID 796.)

Neither Plaintiff nor Defendant has filed any objections to the R&R. The failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, because neither Plaintiff nor Defendant failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommendation to grant in part Plaintiff's Motion for Summary Judgment is **ADOPTED**.

IT IS FURTHER ORDERED that (1) Defendant's Motion for Summary Judgment (ECF #16) is **DENIED**; (2) Plaintiff's Motion for Summary Judgment (ECF #15) is **GRANTED IN PART** to the extent it seeks remand and **DENIED IN PART** to the extent it seeks an award of benefits; and (3) the case is **REMANDED** to the ALJ for further proceedings consistent with this Order and the R&R.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: January 16, 2018

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 16, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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