

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Shamsul Ahmed,

Plaintiff,

v.

Case No. 17-10940

Commissioner of Social Security,

Sean F. Cox

United States District Court Judge

Defendant.

ORDER ADOPTING 2/21/18 REPORT AND RECOMMENDATION

Plaintiff Shamsul Ahmed brings this action under 42 U.S.C. § 405(g), seeking review of the Commissioner of Social Security's denial in part of his application for Supplemental Security Income and disability insurance benefits. The Court referred the matter to Magistrate Judge David R. Grand for a report and recommendation under 28 U.S.C. § 636(b)(1)(B) (Doc. # 3), after which the parties filed cross-motions for summary judgment (Doc. # 12, 14).

On February 21, 2018, Magistrate Judge Grand issued a Report and Recommendation (R&R) (Doc. # 16) wherein he recommends that the Court grant Defendant's Motion for Summary Judgment, deny Plaintiff's Motion for Summary Judgment, and affirm the ALJ's decision. Plaintiff timely objected to the R&R (Doc. # 17). The Court reviews his objections de novo. Fed. R. Civ. P. 72(b).

To properly object to the R&R, Plaintiff must do more than simply restate the arguments set forth in his summary judgment motion. *Senneff v. Colvin*, 2017 WL 710651 at * 2 (E.D. Mich. Feb. 23, 2017). He has not done so. Plaintiff's objection reiterates his belief that the ALJ's residual functional capacity finding was not supported by substantial evidence. But both

of his arguments in this regard—that the ALJ mischaracterized his treadmill use and that the reports of his treating physician Dr. Munir contradict the ALJ’s decision—were considered and rejected by the Magistrate Judge. R&R at 13-16. The Court agrees with Magistrate Judge Grand’s conclusion that Plaintiff’s testimony about his treadmill use does not merit a remand and that the ALJ’s decision is not undermined by Dr. Munir’s residual functional capacity opinion.

Accordingly, the Court OVERRULES Plaintiff’s objection and ADOPTS the Magistrate Judge’s February 21, 2018 R&R. IT IS FURTHER ORDERED that: 1) Defendant’s Motion for Summary Judgment is GRANTED; 2) Plaintiff’s Motion for Summary Judgment is DENIED; and 3) the ALJ’s decision is AFFIRMED.

IT IS SO ORDERED.

s/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: May 1, 2018

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 1, 2018, by electronic and/or ordinary mail.

s/Jennifer McCoy
Case Manager