

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PAULA J. PERRY,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Case No. 2:17-cv-13386

HONORABLE STEPHEN J. MURPHY, III

**ORDER ADOPTING REPORT AND  
RECOMMENDATION [16], GRANTING PLAINTIFF'S  
MOTION TO REMAND PURSUANT TO SENTENCE FOUR [12], AND  
DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT [14]**

The Commissioner of the Social Security Administration ("SSA") denied Paula J. Perry'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 Perry appealed. The Court referred the matter to the magistrate judge. Perry filed a motion for remand pursuant to sentence four and the Commissioner of Social Security filed a motion for summary judgment. ECF 12, 14. The magistrate judge issued a report and recommendation ("Report") suggesting the Court grant Perry's motion and deny the Commissioner's motion. ECF 16.

Civil Rule 72(b) governs review of a magistrate judge's report and recommendation. De novo review of the magistrate judge's findings is required only 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.

**WHEREFORE**, it is hereby **ORDERED** that the magistrate judge's Report and Recommendation [16] is **ADOPTED**.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Remand Pursuant to Sentence Four [12] is **GRANTED**.

**IT IS FURTHER ORDERED** that Defendant's Motion for Summary Judgment [14] is **DENIED**.

**IT IS FURTHER ORDERED** that the case is **REMANDED** to the ALJ for further proceedings consistent with the Report and Recommendation [16].

**SO ORDERED.**

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

Dated: February 20, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 20, 2019, by electronic and/or ordinary mail.

s/ David P. Parker  
Case Manager