

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES WAYNE ROGERS,

Plaintiff,

CASE NO. 17-14151

HON. MARIANNE O. BATTANI

COMMISSIONER
OF SOCIAL SECURITY,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND DENYING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff Charles Wayne Rogers brings this action pursuant to 42 U.S.C. § 405(g), challenging the final decision of the Commissioner denying his application for Supplemental Security Disability Income Benefits under Title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq. The case was referred to Magistrate Judge Elizabeth A. Stafford pursuant to 28 U.S.C. § 636(b)(1)(B) to review the final decision.

The parties filed cross-motions for summary judgment. In a Report and Recommendation ("R&R") dated January 17, 2019, Magistrate Judge Stafford recommended that Plaintiff's motion be granted and Defendant's motion be denied and the matter be remanded under sentence four of 42 U.S.C. § 405(g) for further consideration consistent with this report and recommendation. In her R&R, the Magistrate Judge informed the parties that objections to the R&R needed to be filed within 14 days of service and that a party's failure to file objections would waive any further right of appeal. (ECF No. 19 at Page 12).

Neither party filed an objection. Because no objection has been filed in this case, the parties waived their right to *de novo* review and appeal. Moreover, this Court agrees with the thorough analysis contained in the R&R.

Accordingly, the Court **ADOPTS** the Magistrate Judge's recommendation, **GRANTS** Plaintiff's Motion for Summary Judgment, **DENIES** Defendant's Motion for Summary Judgment and **REMANDS** this matter under sentence four of 42 U.S.C. § 405(g) for further consideration consistent with this report and recommendation.

IT IS SO ORDERED.

Date: March 8, 2019

s/Marianne O. Battani
MARIANNE O. BATTANI
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on March 8, 2019.

s/ Kay Doaks
Case Manager