

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GARY DEBENEDETTO,

Plaintiff,

v.

Civil Case No. 19-10667  
Honorable Linda V. Parker

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**OPINION AND ORDER**

On March 6, 2019, Plaintiff filed this lawsuit seeking back payment for social security benefits Defendant withheld from July 2012 to November 2014. On the same date, this Court referred the lawsuit to Magistrate Judge Patricia Morris for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation (“R&R”) on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). Defendant filed a motion to dismiss on September 19, 2019 (ECF No. 23); and Plaintiff filed a response and motion for summary judgment on September 30, 2019. (ECF No. 25.)

On March 5, 2020, Magistrate Judge Morris issued an R&R recommending that this Court grant Defendant’s motion to dismiss and dismiss Plaintiff’s

complaint for failure to exhaust administrative remedies. (ECF No. 27.) At the conclusion of the R&R, Magistrate Judge Morris advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. She further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” Neither Plaintiff nor Defendant filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Morris. The Court therefore adopts Magistrate Judge Morris’ R&R.

Accordingly,

**IT IS ORDERED** that Defendant’s motion to dismiss (ECF No. 23) is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiff’s motion for summary judgment (ECF No. 25) is **DENIED**.

**IT IS SO ORDERED.**

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: April 15, 2020

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, April 15, 2020, by electronic and/or U.S.

First Class mail.

s/ R. Loury  
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Case Manager