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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JENNIFER L. BOOTH, Plaintiff, v. ANDREW W. SAUL, COMMISSIONER OF SOCIAL SECURITY Defendant.	Case No. 19-10824 Honorable Laurie J. Michelson Magistrate Judge Elizabeth A. Stafford

ORDER ACCEPTING REPORT AND RECOMMENDATION [17], GRANTING BOOTH'S MOTION FOR SUMMARY JUDGMENT [13], AND DENYING THE COMMISSIONER'S MOTION FOR SUMMARY JUDGMENT [15]

Before the Court is Magistrate Judge Elizabeth A. Stafford's August 27, 2020, Report and Recommendation. (ECF No. 17.) At the conclusion of her report, Magistrate Judge Stafford notified the parties that they were required to file any objections within 14 days of service, as provided in Federal Rule of Civil Procedure 72(b)(2) and Eastern District of Michigan Local Rule 72.1(d), and that "[f]ailure to file specific objections constitutes a waiver of any further right of appeal." (ECF No. 17, PageID.1069–1070.) To date, the time to file objections has expired and no objections have been filed.

The Court finds that the parties' failure to object is a procedural default, waiving review of the Magistrate Judge's findings by this Court. In *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981), the Sixth Circuit established a rule of procedural default, holding that "a party shall file objections with the district court or else waive right to appeal." And in *Thomas v. Arn*, 474 U.S. 140, 144 (1985), the Supreme Court explained that the Sixth Circuit's waiver-of-appellate-review rule rested on the assumption "that the failure to object may constitute a

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procedural default waiving review even at the district court level." 474 U.S. at 149; *see also Garrison v. Equifax Info. Servs., LLC*, No. 10-13990, 2012 WL 1278044, at *8 (E.D. Mich. Apr. 16, 2012) ("The Court is not obligated to review the portions of the report to which no objection was made." (citing *Thomas*, 474 U.S. at 149–52)). The Court further held that this rule violates neither the Federal Magistrates Act nor the United States Constitution.

The Court therefore finds that the parties have waived further review of the Magistrate Judge's Report and accepts her recommended disposition. Accordingly, Plaintiff Booth's motion for summary judgment (ECF No. 13) is GRANTED and Defendant Commissioner's motion (ECF No. 15) is DENIED. This matter is REMANDED to the Administrative Law Judge for further consideration under the fourth sentence of 42 U.S.C. § 405(g).

SO ORDERED.

Dated: September 14, 2020

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE