Bush v. Saul Doc. 18

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

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Case No. 2:20-cv-11893

Plaintiff,

HONORABLE STEPHEN J. MURPHY, III

v.

ANDREW SAUL,

Defendant.

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

The Commissioner of the Social Security Administration ("SSA") denied Plaintiff Thomas Bush's application for Disability Insurance Benefits in a decision issued by an Administrative Law Judge ("ALJ"). ECF 11, PgID 47–55. After the SSA Appeals Council declined to review the ruling, Plaintiff appealed. The Court referred the matter to Magistrate Judge David R. Grand. ECF 3. The case was then reassigned to Magistrate Judge Kimberly Altman, 20-AO-049, and the parties filed cross-motions for summary judgment, ECF 13; 15. Magistrate Judge Altman issued a Report and Recommendation ("Report") and suggested the Court deny Plaintiff's motion and grant the Commissioner's motion. ECF 17. 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 objections, de novo review of the Report's conclusions is

not required. After reviewing the record, the Court finds that Judge Altman's

conclusions are factually based and legally sound. Accordingly, the Court will adopt

the Report's findings, deny Plaintiff's motion for summary judgment, and grant the

Commissioner's motion for summary judgment.

ORDER

WHEREFORE, it is hereby ORDERED that the Magistrate Judge's Report

and Recommendation [17] is ADOPTED.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment

[13] is **DENIED**.

IT IS FURTHER ORDERED that the Commissioner's Motion for Summary

Judgment [15] is **GRANTED**.

IT IS FURTHER ORDERED that the case is DISMISSED WITH

PREJUDICE.

This is a final order that closes the case.

SO ORDERED.

s/Stephen J. Murphy, III STEPHEN J. MURPHY, III

United States District Judge

Dated: July 15, 2021

I hereby certify that a copy of the foregoing document was served upon the parties

and/or counsel of record on July 15, 2021, by electronic and/or ordinary mail.

s/David P. Parker

Case Manager